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July 19, 1996 - Issue 29: Through	June 30, 1996
October 18, 1996 - Issue 42: Through	September 30, 1996
January 17, 1997 - Issue 3: Through	December 31, 1996 (Annual)

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June 18, 1996	June 25, 1996	27	July 5, 1996	Dec. 23, 1996	Dec. 31, 1996	2	Jan. 10, 1997

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Minimum Standards for Certification of Developmental Training Programs2) Code Citation: 59 Ill. Adm. Code 1193) Section Number: 119. 261
Proposed Action: New Section4) Statutory Authority: Implementing Section 15.2 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/15.2] and the Health Care Worker Background Check Act [225 ILCS 46] and authorized by Section 15.2 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/15.2].5) A. Complete Description of the Subjects and Issues Involved: Section 119.261 is being added to implement the waiver provisions of the Health Care Worker Background Check Act [225 ILCS 46]. After January 1, 1997, community agencies are prohibited from knowingly employing or retaining in full-time, part-time or contractual direct care positions any persons who have been convicted of committing or attempting to commit one or more of the offenses listed in Section 25 of the Health Care Worker Background Check Act [225 ILCS 46/25] unless the employee or applicant has obtained a waiver. This rulemaking identifies the various types of background checks which must be made and the conditions under which they are to be made. Provisions for conditional employment, termination of employment, waiver eligibility, and the employee's or applicant's right to appeal the waiver decision are included.6) Will this proposed amendment replace an emergency rule currently in effect? No, this proposed amendment will not replace an emergency rule currently in effect.7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporation by reference? This rulemaking does not incorporate by reference any federal statutes or regulations or rules of another State agency.9) Are there any other proposed amendments pending on this Part? Yes. 20 Ill. Reg. 13492 (October 18, 1996).10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act [30 ILCS 805].11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expirationDEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT(S)

of the first 45-day notice period. Submissions must be in writing and directed to:

Judith Hollenberg
Rules Administrator
Illinois Department of Mental Health
and Developmental Disabilities,
401 Stratton Building
Springfield IL 62765
Telephone (217)785-3313
FAX (217)524-892012) Initial Regulatory Flexibility Analysis:A) Types of small business affected: Private and not-for-profit agencies which operate developmental training programs certified by the Department.B) Reporting, bookkeeping or other procedures required for compliance: None.C) Types of professional skills necessary for compliance: No special skills needed.13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the Proposed Amendment(s) begins on the next page.

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TITLE 59: MENTAL HEALTH
CHAPTER 1: DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

PART 119

MINIMUM STANDARDS FOR CERTIFICATION OF DEVELOPMENTAL TRAINING PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
119.100 Applicability
119.110 Incorporation by reference
119.120 Definitions

SUBPART B: PROGRAM REQUIREMENTS

Section
119.200 General requirements
119.205 Criteria for participation of individuals
119.210 Exclusion, suspension or discharge of an individual
119.215 Program staff
119.220 Interdisciplinary team (team)
119.225 Assessment of individuals
119.230 Individual services plan (plan)
119.235 Individual rights and confidentiality
119.240 Special training procedures
119.245 Committees
119.250 Medications and medical care
119.255 Confidential management
119.260 Administrative
119.261 Application for waiver of the prohibition against employment

SUBPART C: CERTIFICATION REQUIREMENTS

Section
119.300 Issuing a certificate and period of certification
119.305 Application for certification
119.310 Application acceptance and verification
119.315 Non-transferability of a certificate
119.320 Cancellation of certification
119.325 Certificate denial
119.330 Hearings

AUTHORITY: Implementing Section 15.2 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/15.2] and Health Care Worker Background Check Act [225 ILCS 46] and authorized by Section 15.2 of the Department of Mental Health and Disabilities Act [20 ILCS 1705/15.2].

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SOURCE: Adopted at 14 Ill. Reg. 17227, effective October 9, 1990; emergency amendment at 16 Ill. Reg. 2662, effective February 1, 1992, for a maximum of 150 days; emergency expired June 30, 1992; amended at 21 Ill. Reg. _____, effective _____.

SUBPART B: PROGRAM REQUIREMENTS

Section 119.261 Application for waiver of the prohibition against employment

- a) Hiring of direct care personnel
A provider shall not knowingly hire or retain any person after January 1, 1997, in a full-time, part-time or contractual direct care position if that person has been convicted of committing or attempting to commit one or more of the following offenses unless the applicant or employee obtains a waiver pursuant to subsections (1) through (4) of this Section (Section 25 of the Health Care Worker Background Check Act [225 ILCS 46/25]):
1) Murder, homicide, or manslaughter
2) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5 and 10-7])
3) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1 and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1 and 10-4])
4) Assault, battery or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-6 and 12-7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-6 and 12-7])
5) Sexual assault or abuse (Sections 12-13, 12-14, 12-15 and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-15 and 12-16])
6) Predatory criminal sexual assault of a child (Section 12-14.1 of the Criminal Code of 1961 [720 ILCS 5/12-14.1])
7) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19])
8) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21])
9) Theft, financial exploitation of an elderly or disabled person, robbery or burglary (Sections 16-1, 16-1.3, 16A-3, 18-1, 18-2, 18-3, 18A-3, 18-3.1, 18-3.2, 18-3.3, 18-3.4, 18-3.5, 18-3.6, 18-3.7, 18-3.8, 18-3.9, 18-4 and 18-3.11)
10) Criminal offenses (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4])
11) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720

DEPARTMENT OF MENTAL HEALTH
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- 12) Intoxil use of weapons or aggravated discharge of a firearm (Sections 24-1 and 24-1.2 of the Criminal Code of 1961 [720 ILCS 5/24-1 and 24-1.2]);
- 13) Manufacture, delivery or trafficking of cannabis [Sections 5, 5.1 and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1 and 9.1]] and
- 14) Manufacture, delivery or trafficking of controlled substances [Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substances Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407 and 407.1]].

b) Definitions

For the purposes of this Section, the following terms are defined:

"Applicant." A person seeking employment with a provider who has received a bona fide conditional offer of employment. (Section 15 of the Health Care Worker Background Check Act [225 ILCS 46/15])

"Conditional offer of employment." A bona fide offer of employment by a provider to an applicant, which is contingent on the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (14) of this Section. (Section 15 of the Health Care Worker Background Check Act [225 ILCS 46/15])

"Direct care." The provision of nursing assistance with meals, dressing, movement, bathing, or other personal needs of maintenance, or general supervision and oversight of the physical condition, well-being or health of an individual who is incapable of managing his or her own care, or an individual who is incapable of managing his or her person whether or not a guardian has been appointed for that individual. (Section 15 of the Health Care Worker Background Check Act [225 ILCS 46/15])

"Initiate." The obtaining of the authorization for a record check from a student, applicant, or employee. The provider shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act [225 ILCS 46/15])

"Nurse Aide Registry." The registry of nurse aides kept by the Department of Public Health pursuant to Section 3-206.01 of the Nursing Home Care Act [210 ILCS 45/3-206.01].

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- "UCIA." The Uniform Conviction Information Act [20 ILCS 2635].
- c) Nurse Aide Registry. The list of nurse aides who are eligible for all the positions for nurse aide positions. The provider shall check the Nurse Aide Registry to determine the date of the applicant's last UCIA criminal history record check. If it has been more than one year since the records check, the provider must initiate or have initiated on its behalf a UCIA criminal history record check for the nurse aide. (Section 30(b) of the Health Care Worker Background Check Act [225 ILCS 46/30(b)])
- d) Conditional offers
Effective January 1, 1996, if the provider makes a conditional offer of employment to an applicant other than a nurse aide who is not exempt under subsection (m) of this Section for a direct care position, the provider shall initiate or have initiated on its behalf a UCIA criminal history record check. (Section 30(c) of the Health Care Worker Background Check Act [225 ILCS 46/30(c)])
- e) Initiation of UCIA criminal history record check. UCIA criminal history record check for all direct care positions initiated by the provider on or after January 1, 1996, who have not already had a UCIA criminal history record check and who are not exempt in accordance with subsection (m) of this Section. (Section 30 of the Health Care Worker Background Check Act [225 ILCS 46/30])
- f) Request for UCIA criminal history record check
The provider shall request the UCIA criminal history record check in accordance with the requirements of the Department of State Police. (See 111. Adm. Code 1265.) The provider shall notify the applicant or employee of the following whenever a non-fingerprint UCIA Criminal History Record search is made. (Section 30 of the Health Care Worker Background Check Act [225 ILCS 46/30])
- 1) That the provider shall request or have requested on its behalf a UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.
 - 2) That the applicant or employee has a right to obtain a copy of the criminal record report, challenge the accuracy, and completeness of the report and request a waiver in accordance with subsection (1)(1) of this Section;
 - 3) That the applicant, if hired conditionally, may be terminated if the criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (14) of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (b) of this Section or the employee receives a waiver pursuant to subsection (1)(1) of this Section;
 - 4) That the applicant or employee cannot work in a direct care

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- position while a waiver request is pending.
- 5) That the applicant, if not hired conditionally, shall not be hired if the criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (14) of this Section unless the applicant's record is cleared based on a Department Background Check pursuant to subsection (b). Under this Section, the applicant receives a waiver pursuant to subsection (3)(1) of this Section;
- 6) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (14) of this Section unless the record is cleared based on a fingerprint-based records check pursuant to subsection (b) of this Section or the employee receives a waiver pursuant to subsection (3)(1) of this Section.
- 4) Conditional employment
- The provider may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal records check pursuant to subsection (1) of the Health Care Worker Background Check Act [225 ILCS 46/30(a)(1)].
- b) Request for fingerprint-based UCIA criminal records check
- An applicant, employee, or nurse aide whose UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses enumerated in subsections (a)(1) through (14) of this Section may request that the provider commence a fingerprint-based UCIA criminal records check by submitting information in a form and manner prescribed by the Department of State Police (see 20 Ill. Adm. Code 1365) within 30 days after receipt of the criminal records report to validate identity and clear one's record pursuant to Section 35 of the Health Care Worker Background Check Act [225 ILCS 46/35].
- 1) Eligibility for waiver
- a) An applicant, employee, or nurse aide may request a waiver of the prohibition against employment, (Section 40 of the Health Care Worker Background Check Act [225 ILCS 46/40(1)]).
- 2) The Department may grant a waiver based on any mitigating circumstances, which may include but not be limited to (Section 40(b) of the Health Care Worker Background Check Act [225 ILCS 46/40(b)]):
- The applicant's, employee's or nurse aide's age at the time that the crime was committed;
 - The circumstances surrounding the crime;
 - The length of time since the conviction;
 - The applicant or employee's criminal history since the conviction;
 - The applicant or employee's work history;

DEPARTMENT OF MENTAL HEALTH
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- 2) The applicant or employee's current employment references;
- 3) The applicant or employee's character references;
- 4) Nurse Aide Registry records; and
- 5) Other evidence demonstrating the ability of the applicant or employee to reform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents, recipients or clients.
- 3) Application of the waiver
- a) If the applicant, employee or nurse aide wishes to request a waiver, the request shall be submitted within 5 calendar days after receipt of the criminal records report. A complete waiver request shall include the following:
- A statement specifying any mitigating circumstances the person believes are relevant to the employment in question; and
 - Either:
 - Information necessary for the Department to obtain a fingerprint-based UCIA criminal records check, including a suitable set of fingerprints, in a form and manner prescribed by the Department of State Police (see 20 Ill. Adm. Code 1365), and a request for a check, which shall not exceed the actual cost of the check; and the findings of the required non fingerprint-based UCIA criminal records check conducted by the Department of State Police; or
 - The report of the results of the fingerprint-based UCIA criminal records check done pursuant to subsection (b) of this Section.
- 2) Provider staff may assist the applicant, employee or nurse aide in completing the application.
- 3) The waiver request shall be submitted to: Office of Accreditation and Licensure Department of Mental Health and Developmental Disabilities 400 North Dearborn Building Springfield IL 62765
- k) Waiver decision
- 1) The waiver request shall be reviewed by a panel of Department staff. The Department shall return a decision to the applicant, employee, or nurse aide and the provider within 30 calendar days after receipt of the completed waiver request including receipt of a report from the State Police based on the fingerprint-based record check.
- 2) The provider is not obligated to hire or offer permanent employment to an applicant or to retain an employee who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act [225 ILCS 46/40(f)])

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3) The Department shall be immune from liability for any waivers granted. (Section 40(e) of the Health Care Worker Background Check Act [225 ILCS 46/40(e)])

1) Appeal of the decision

1) The applicant, employee, or nurse aide may request further review of his or her request for a waiver within 30 calendar days after the receipt of the Department's denial of the waiver. The applicant, employee, or nurse aide may submit additional documentation of the mitigating circumstances.

2) The appeal shall be submitted to:

Office of the Director
Department of Mental Health and Developmental Disabilities
401 Stratton Building

Springfield IL 62765

4) The Director shall act on the appeal within 30 calendar days after receipt of the appeal and shall issue a final decision granting or denying the waiver request.

m) This Section shall not apply to:

1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law, or

2) An individual employed or retained by the provider as defined by Section 15 of the Health Care Worker Background Check Act [225 ILCS 46/15] for whom a criminal background check is required by another law.

3) The Department shall not be required to conduct a criminal background check for an individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law, or

4) The provider shall send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registrar for an individual employed as a nurse aide within 10 working days after receipt of the results. (Section 30(b) of the Health Care Worker Background Check Act [225 ILCS 46/30(b)])

5) The provider shall retain on file for a period of five years records of criminal records requests for all employees. The files shall be subject to inspection by the Department's Office of Accreditation and Licensure. The provider shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. A fine of \$500 may be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act [225 ILCS 46/50])

(Source: Added at 21. Ill. Reg. _____, effective _____)

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Minimum Standards for Licensure of Community Residential Alternatives

2) Code Citation: 59 Ill. Adm. Code 113

3) Section Number: 113.51
Proposed Action: New Section

4) Statutory Authority: Implementing the Health Care Worker Background Check Act [225 ILCS 46] and the Community Residential Alternatives Licensing Act [210 ILCS 140] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104], Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5] and Section 5 of the Community Residential Alternatives Licensing Act [210 ILCS 140/5].

5) A complete description of the subjects and issues involved: Section 113.51 is being added to implement the waiver provisions of the Health Care Worker Background Check Act [225 ILCS 46]. After January 1, 1997, community agencies are prohibited from knowingly employing or retaining in full-time, part-time or contractual direct care positions any persons who have been convicted of committing or attempting to commit one or more of the offenses listed in Section 25 of the Health Care Worker Background Check Act [225 ILCS 46/25] unless the employee or applicant has obtained a waiver. This rulemaking identifies the various types of background checks which must be made and the conditions under which they are to be made. Provisions for conditional employment, termination of employment, waiver eligibility, and the employee's or applicant's right to appeal the waiver decision are included.

6) Will this proposed amendment replace an emergency rule currently in effect? No, this proposed amendment will not replace an emergency rule currently in effect.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporation by reference? This rulemaking does not incorporate by reference any federal statutes or regulations or rules of another State agency.

9) Are there any other proposed amendments pending on this Part? Yes. 20 Ill. Reg. 13497 (October 18, 1996).

10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act [30 ILCS 605].

11) Time, Place and Manner in which interested persons may comment on this

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PROPOSED rulemaking: Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to:

Judith Hollenberg
Rules Administrator
Illinois Department of Mental Health and Developmental Disabilities
401 Stratton Building
Springfield IL 62765
Telephone (217)785-3313
FAX (217)524-8920

12) **Initial Regulatory Flexibility Analysis:**

A) Types of small business affected: Private agencies which operate community residential alternatives licensed by the Department.

B) Retaining, bookkeeping or other procedures required for compliance: None.

C) Types of professional skills necessary for compliance: No special skills needed.

13) **Regulatory Agenda on which this rulemaking was summarized:** July 1996

The full text of the Proposed Amendment(s) begins on the next page.

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NOTICE OF PROPOSED AMENDMENT(S)

TITLE 59: MENTAL HEALTH
CHAPTER 1: DEVELOPMENTAL DISABILITIES
AND DEVELOPMENTAL DISABILITIES

PART 113

MINIMUM STANDARDS FOR LICENSURE OF
COMMUNITY RESIDENTIAL ALTERNATIVES

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113.20	Complaint procedures
113.30	Regulatory inspections
113.40	Administrative policies and practices
113.45	Administrative policies and practices
113.50	Application for waiver of the prohibition against employment
113.55	Accreditation
113.60	Personnel and staffing policies
113.70	Site, physical plant standards
113.80	Physical plant services
113.90	Food and nutrition services
113.100	Admission/discharge
113.110	Resident rights
113.120	Resident records
113.130	Resident living program
113.140	Unusual occurrences

AUTHORITY: Implementing the Community Residential Alternatives Licensing Act (210 ILCS 140) and the Health Care Worker Background Check Act (225 ILCS 46) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (405 ILCS 5-104), Section 5 of the Department of Mental Health and Developmental Disabilities Act (20 ILCS 1705/5) and Section 5 of the Community Residential Alternatives Licensing Act (210 ILCS 140/5).

SOURCE: Emergency rule adopted and codified at 6 Ill. Reg. 7239, effective June 8, 1982, for a maximum of 150 days; emergency expired November 5, 1982; adopted at 7 Ill. Reg. 1054, effective January 19, 1983; amended at 17 Ill. Reg. 21387, effective November 29, 1993; amended at 21 Ill. Reg. _____, effective _____.

Section 113.51 Application for waiver of the prohibition against employment

a) Hiring of direct care personnel

An agency shall not knowingly hire or retain any person after January 1, 1997 in a full-time, part-time or contractual direct care position

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if that person has been convicted of committing or attempting to commit one or more of the following offenses unless the applicant or employee obtains a waiver pursuant to subsections (1) through (11) of this Section [Section 25 of the Health Care Worker Background Check Act (225 ILCS 46/25)]:

- 1) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1 through 9-3.3 of the Criminal Code of 1961 (720 ILCS 5/9-1 through 5/9-3.3));
- 2) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 (720 ILCS 5/10-1, 10-2, 10-5 and 10-7));
- 3) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1 and 10-4.1 of the Criminal Code of 1961 (720 ILCS 5/10-3, 10-3.1 and 10-4.1));
- 4) Assault, battery or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-6 and 12-7 of the Criminal Code of 1961 (720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-6 and 12-7));
- 5) Sexual assault or abuse (Sections 12-13, 12-14, 12-15 and 12-16 of the Criminal Code of 1961 (720 ILCS 5/12-13, 12-14, 12-15 and 12-16));
- 6) Predatory criminal sexual assault of a child (Section 12-14.1 of the Criminal Code of 1961 (720 ILCS 5/12-14.1));
- 7) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 (720 ILCS 5/12-19));
- 8) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 (720 ILCS 5/12-21));
- 9) Theft of criminal code of 1961 (720 ILCS 5/12-21.1);
- 10) Theft of criminal code of 1961 (720 ILCS 5/12-21.1);
- 11) Robbery or burglary (Sections 16-1, 16-1.3, 16-3, 18-1, 18-2, 19-1, 19-3, 16A-3, 18-1, 18-2, 19-1 and 19-3);
- 12) Criminal trespass (Section 19-4 of the Criminal Code of 1961 (720 ILCS 5/19-4));
- 13) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 (720 ILCS 5/20-1 and 5/20-1.1));
- 14) Unlawful use of weapons or aggravated discharge of a firearm (Sections 24-1 and 24-1.2 of the Criminal Code of 1961 (720 ILCS 5/24-1 and 5/24-1.2));
- 15) Manufacture, delivery or trafficking of cannabis (Sections 5, 5.1 and 9 of the Cannabis Control Act (720 ILCS 550/5, 5.1 and 9));
- 16) Manufacture, delivery or trafficking of controlled substances (Sections 404, 405, 405.1, 405.1.1, 405.1.2, 407 and 407.1 of the Illinois Controlled Substances Act (720 ILCS 570/404, 405, 405.1, 405.1.1, 405.1.2, 407 and 407.1));

b) Definitions

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For the purposes of this Section, the following terms are defined:

"Applicant." A person seeking employment with an agency who has received a bona fide conditional offer of employment. (Section 15 of the Health Care Worker Background Check Act (225 ILCS 46/15))

"Conditional offer of employment." A bona fide offer of employment by an agency to an applicant, which is contingent on the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (14) of this Section. (Section 15 of the Health Care Worker Background Check Act (225 ILCS 46/15))

"Direct care." The provision of nursing assistance with meals, dressing, movement, bathing, or other personal needs of maintenance or general supervision and oversight of the physical and mental well-being of an individual who is incapable of maintaining a private, independent residence or who is incapable of managing his or her person whether or not a guardian has been appointed for that individual. (Section 15 of the Health Care Worker Background Check Act (225 ILCS 46/15))

"Initiate." The obtaining of the authorization for a record check from a student, applicant, or employee. The agency shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act (225 ILCS 46/15))

"Nurse Aide Registry." The registry of nurse aides kept by the Department of Public Health pursuant to Section 3-206.01 of the Nursing Home Care Act (210 ILCS 45/3-206.01).

"UCIA" The Uniform Conviction Information Act (20 ILCS 2635).

c) Nurse Aide Registry

For all applicants for nurse aide positions, the agency shall check the Nurse Aide Registry to determine the date of the applicant's last UCIA criminal history record check. If it has been more than one year since the records check, the agency must initiate or have initiated on its behalf a UCIA criminal history record check for the nurse aide. (Section 30(b) of the Health Care Worker Background Check Act (225 ILCS 46/30(b)))

d) Conditional Offers

Effective January 1, 1996, if the agency makes a conditional offer of employment to an applicant, other than a nurse aide, who is not exempt under subsection (b) of this Section for a direct care position, the

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agency shall initiate or have initiated on its behalf a UCIA criminal history record check. (Section 30(c) of the Health Care Worker Background Check Act. [225 ILCS 46/30(c)])

2) Initiation of UCIA criminal history record check

By January 1, 1997 the agency must initiate a UCIA criminal history record check for all direct care employees who were hired before January 1, 1996, who have not already had a UCIA criminal history record check, and who are not exempt in accordance with subsection (m) of Section 30 of the Health Care Worker Background Check Act. [225 ILCS 46/30(m)]

3) Request for UCIA criminal history record check

The agency shall request the UCIA criminal history record check in accordance with the requirements of the Department of State Police. (See 20 Ill. Adm. Code 1265.) The agency shall notify the applicant or employee of the following whenever a non-fingerprint UCIA Criminal History record search is made. (Section 30 of the Health Care Worker Background Check Act. [225 ILCS 46/30]:)

- 1) That the agency shall request or have requested on its behalf a UCIA criminal history record check pursuant to the Health Care Worker Background Check Act;
- 2) That the applicant or employee has a right to obtain a copy of the criminal history record and request a waiver in accordance with subsection (1)(b) of this Section;
- 3) That the applicant, if hired conditionally, may be terminated if the criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (4) of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (h) of this Section or the employee receives a waiver pursuant to subsection (1)(a) of this Section;
- 4) That the applicant or employee cannot work in a direct care position while the records are being processed;
- 5) That the applicant, if not hired conditionally, shall not be hired if the criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (4) of this Section unless the applicant's record is cleared based on a fingerprint-based record check pursuant to subsection (h) of this Section or the employee receives a waiver pursuant to subsection (1)(a) of this Section;
- 6) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (4) of this Section unless the record of conviction is cleared based on a fingerprint-based record check pursuant to subsection (h) of this Section or the employee receives a waiver pursuant to subsection (1)(a) of this Section.

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on a fingerprint-based records check pursuant to subsection (h) of this Section or the employee receives a waiver pursuant to subsection (1)(a) of this Section.

- Conditional employment
- The agency may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(l) of the Health Care Worker Background Check Act. [225 ILCS 46/30(l)])
- 3) Request for fingerprint-based UCIA criminal history record check
- On receipt of the applicant's request for a UCIA criminal history record check, the agency shall request the fingerprint-based UCIA criminal history record check in accordance with the requirements of the Department of State Police. (See 20 Ill. Adm. Code 1265.) Within 10 days after receipt of the criminal records report to validate identity and clear one's record. (Section 35 of the Health Care Worker Background Check Act. [225 ILCS 46/35])
- 4) Eligibility for waiver
- 1) An applicant, employee, or nurse aide may request a waiver of the prohibition against employment under Section 30 of the Health Care Worker Background Check Act. [225 ILCS 46/40].
 - 2) The applicant may grant a waiver based on any mitigating circumstances which may include but not be limited to [Section 40(b) of the Health Care Worker Background Check Act. [225 ILCS 46/40(b)]:
- A) The applicant's employee's or nurse aide's age at the time that the crime was committed;
 - B) The circumstances surrounding the crime;
 - C) The length of time since the conviction;
 - D) The applicant or employee's criminal history since the conviction;
 - E) The applicant or employee's work history;
 - F) The applicant or employee's current employment references;
 - G) The applicant or employee's current references;
 - H) Nurse Aide Records; and
 - I) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents, recipients or clients.
- 5) Application for waiver
- 1) If the applicant, employee or nurse aide wishes to request a waiver, the request shall be submitted within 5 calendar days after receipt of the criminal records report. A complete waiver request shall include the following:

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A) A statement specifying any mitigating circumstances the person believes are relevant to the employment in question; and

B) Either:

1) Information necessary for the Department to obtain a fingerprint-based UCIA criminal records check, including a suitable set of fingerprints, in a form and manner prescribed by the Department of State Police (see 20 Ill. Adm. Code 1265), the fee for such a check (which shall not exceed the actual cost of the check) and the findings of the required non-fingerprint-based UCIA criminal records check conducted by the Department of State Police; or

2) The report of the results of the fingerprint-based UCIA criminal records check done pursuant to the provisions of the Department of State Police.

2) Agency staff assist the applicant, employee or nurse aide in completing the application.

3) The waiver request shall be submitted to:

Office of Accreditation and Licensure
Department of Mental Health and Developmental Disabilities
405 Stratton Building
Springfield IL 62765

k) Waiver decision

1) The waiver request shall be reviewed by a panel of Department staff. The Department shall return a decision to the applicant, employee, or nurse aide and the provider within 30 calendar days after receipt of the completed waiver request including receipt of a report from the State Police based on the fingerprint-based record check.

2) Waivers shall not be obligated to hire or offer permanent employment to an applicant or to retain an employee who is granted a waiver (Section 40(f) of the Health Care Worker Background Check Act [225 ILCS 46/40(f)])

3) The Department shall be immune from liability for any waivers granted. (Section 40(e) of the Health Care Worker Background Check Act [225 ILCS 46/40(e)])

l) Appeal of the decision

1) The applicant, employee, or nurse aide may request further review of his or her request for a waiver within 30 calendar days after the receipt of the Department's denial of the waiver.

2) The applicant, employee, or nurse aide may submit additional documentation of the mitigating circumstances.

3) The appeal shall be submitted to:

Office of the Director
Department of Mental Health and Developmental Disabilities
405 Stratton Building

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Springfield IL 62765

4) The Director shall act on the appeal within 30 calendar days after receipt of the appeal and shall issue a final decision granting or denying the waiver request.

m) This Section shall not apply to:

1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law; or

2) An individual employed or retained by the agency as defined by Section 15 of the Health Care Worker Background Check Act [225 ILCS 46/15] for whom a criminal background check is required by another law of this State. (Section 20 of the Health Care Worker Background Check Act [225 ILCS 46/20])

n) The agency shall send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for an individual who is registered as a nurse aide within 30 calendar days after receipt of the results. (Section 30(b) of the Health Care Worker Background Check Act [225 ILCS 46/30(b)])

o) The agency shall retain on file for a period of five years records of criminal records requests for all employees. The files shall be subject to inspection by the Department's Office of Accreditation and Licensure. The agency shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. A fine of \$500 may be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act [225 ILCS 46/50])

(Source: Added at 21 Ill. Reg. _____, effective _____)

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- 1) **Heading of the Part:** Recipient Rights
- 2) **Code Citation:** 59 Ill. Adm. Code 111
- 3) **Section Number:** 111.20
Amended:
Added: 111.25
- 4) **Statutory Authority:** Implementing Sections 2-102(a), 3-204, 3-205 and 4-205 of the Mental Health and Developmental Disabilities Code (405 ILCS 5/2-1102(a), 3-204, 3-205 and 4-205) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act (20 ILCS 1705/5).
- 5) **A Complete Description of the Subjects and Issues Involved:** Part 111 is being amended to be more specific and to clarify the requirements in the current Section 111.20. Section 111.20 has been divided into two Sections: Section 111.20 concerns recipients who are deaf or hard of hearing; new Section 111.25 concerns recipients who are limited English and non-English speaking.
- Both Sections require that Department facilities and community agencies provide qualified interpreters or translators on admission and, whenever necessary, provide treatment or habilitation services. Both require facilities to maintain lists of interpreters and translators and to provide training on the unique aspects of providing services to recipients who are deaf, hard of hearing or non-English speaking. Section 111.20 requires the use of telecommunications devices for the deaf and light or vibrating alerting and safety devices. These services and devices are required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101-12123 (1995) and 47 U.S.C. 225 and 611 (1995)).

In addition, terminology and statutory citations are being updated.

- 6) **Will this proposed amendment replace an emergency rule currently in effect?** No
- 7) **Does this rulemaking contain an automatic repeal date?** No
- 8) **Does this proposed amendment contain incorporation by reference?** No
- 9) **Are there any other proposed amendments pending on this Part?** No.
- 10) **Statement of Statewide Policy Objectives:** This rulemaking does not impact the State Mandates Act [30 ILCS 805].

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- 11) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking:** Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to:
- Judith Hollenberg
Public Affairs Officer
Illinois Department of Mental Health
and Developmental Disabilities
401 Stratton Building
Springfield IL 62765
Telephone (217)785-3313
FAX (217)524-8920
- 12) **Initial Regulatory Flexibility Analysis:**
- A) **Types of small business affected:** Community providers of services to individuals with mental illness and/or developmental disabilities.
- B) **Reporting, bookkeeping or other procedures required for compliance:** None required.
- C) **Types of professional skills necessary for compliance:** Access to interpreters for individuals who are deaf or hard of hearing and translators for individuals who are non-English speaking qualified in accordance with this rulemaking.
- 13) **Regulatory Agenda on which this rulemaking was summarized:** July 1996

The full text of the Proposed Amendment(s) begins on the next page.

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TITLE 59: MENTAL HEALTH
CHAPTER 1: DEPARTMENT OF MENTAL HEALTH
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PART 111

RECIPIENT RIGHTS

Section 111.10 Nondiscrimination on the basis of handicap in the delivery of services under Section 304 of the Rehabilitation Act of 1973 (29 U.S.C.A. 701-706) (1995).

111.20 Services to individuals who are deaf, hard-of-hearing, deaf-blind, or deafened (hearing impaired) and/or who use manual/visual communication (HBS)--recipients in Department of Mental Health and Developmental Disabilities facilities

111.25 Services to individuals in Department facilities who are non-English or limited-English speaking

111.30 Voter registration for service applicants

AUTHORITY: Section 111.10 implementing 29 U.S.C. 794 (1995) and 45 CFR 84 (1994); Section 111.20 implementing Americans with Disabilities Act (42 U.S.C. 12101 et seq.); Sections 2-102(a), 3-204, 3-205 and 4-205 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-102(a), 3-204, 3-205, and 4-205]; Section 111.25 implementing Sections 102(a), 3-204, 3-205, and 4-205 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-102(a), 3-204, 3-205, and 4-205]; Section 111.30 implementing the National Voter Registration Act of 1993 (42 U.S.C. 19730g (1995)); authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act (20 ILCS 1705/5).

SOURCE: Adopted at 8 Ill. Reg. 22086, effective November 1, 1984; emergency amendment at 19 Ill. Reg. 13584, effective September 15, 1995, for a maximum of 150 days; emergency expired February 11, 1996; amended at 20 Ill. Reg. 5520, effective March 29, 1996; amended at 21 Ill. Reg. _____, effective _____.

Section 111.20 Services to individuals who are deaf, hard-of-hearing, deaf-blind, or deafened (hearing impaired) and/or who use manual/visual communication (HBS)--recipients in Department of Mental Health and Developmental Disabilities facilities

All individuals receiving services shall be provided with adequate and humane care and services pursuant to an individualized service (treatment or habilitation) plan in accordance with Sections 2-102(a), 3-209 and 4-309 of the

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Code [405 ILCS 5/2-102(a), 3-209 and 4-309]. In accordance with Sections 2-102(a), 3-204, 3-205 and 4-205 of the Code [405 ILCS 5/2-102(a), 3-204, 3-205, and 4-205] no individual shall, solely on the basis of being deaf, hard-of-hearing, deaf-blind, or deafened (hearing impaired) and/or using manual or visual communication to communicate, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a facility.

a) Definitions

For the purposes of this Section, the following terms are defined:

"Code." The Mental Health and Developmental Disabilities Code [405 ILCS 5].

"Communication facilitation." The means provided to overcome a barrier in communication created because an individual is hearing impaired and/or uses manual or visual communication, e.g., interpreter or mental health or developmental disability and deafness professional services.

"Deaf." Any loss of hearing, occurring prior to the acquisition of normal spoken language, that precludes successful processing of linguistic information through audition, with or without a hearing aid. An individual may be considered "deaf" based on language use, cultural affiliation, social preferences, or self-determination.

"Deaf-blind." Any loss of hearing, occurring at any time prior to or post acquisition of normal spoken language, that precludes successful processing of linguistic information through audition, with or without a hearing aid, and visual impairment of 20/70 in the better eye corrected or a visual field of 20 degrees or less.

"Deafened." Any loss of hearing, occurring at any time after normal spoken language was acquired, that precludes successful processing of linguistic information through audition, with or without a hearing aid.

"Department." The Department of Mental Health and Developmental Disabilities or successor agency.

"Facility." Any mental health or developmental disability facility as defined by Sections 1-107 and 1-114 of the Code [42 ILCS 5/1-107 and 1-114].

"Hard-of-hearing." Any loss of hearing that allows, generally with the use of a hearing aid, the successful processing of linguistic information through audition.

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"hearing impaired," Deaf, deaf-blind, hard-of-hearing, or deafened.

"individual." A recipient of mental health or developmental disabilities services as defined by Sections 1-11 and 1-128 of the Code [35 ICS 5/2-111 and 5/2-8].

"Interpreter." A qualified professional who provides communication facilitation services between any persons using different modes (spoken or manual) and/or languages (signed English/American Sign Language) to communicate. This person shall be certified by the Registry of Interpreters for the Deaf, 8719 Colesville Road, Suite 310, Silver Spring, MD 20910-3919, telephone (301) 608-0050, or shall be assessed by the interpreter skills assessment screening (IRAS) attaining a level IV or level V certification or shall be approved by the Statewide Coordinator.

"Manual or visual communication." Uses the hands, body, or facial expressions as the primary modalities for communication, but may also include and not be limited to American Sign Language, signed English, fingerspelling, pantomime, gestures, lip or speech reading, tactile fingerspelling or signs, paper and pencil (writing or reading), flash cards, telecommunication (telephone) devices for the deaf (TTY), hearing aids, and other methods of manual or visual communication.

"Mental health or developmental disability and deafness professionals." Mental health or developmental disability professionals, e.g., psychiatrists, psychologists, social workers, therapists, nurses, and other mental health or developmental disability professionals, who are trained in advanced expertise in manual or visual communication modes and languages and knowledge of culture and psychosocial aspects of individuals who have hearing impairments.

"Preferred mode of communication." Any visual and/or auditory communication mode and/or language used by an individual who is hearing impaired to express him or herself and to understand the communication of others, e.g., American Sign Language, writing.

"Statewide Coordinator." The Department's Statewide Coordinator provides for people who are Deaf, hard of hearing or hearing impaired.

D) Services for individuals who are hearing impaired

- 1) Intake and admission
- A) Intake staff shall determine through initial assessment,

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input, and consultation that an individual presenting for admission has a hearing impairment or other communication deficit, what type and degree of hearing loss the individual has (based on information available at the time of intake), and whether he or she requires manual or visual communication. This information shall be documented on form and on the intake Social Record Face Sheet or on the community assessment form.

B) Each facility shall maintain a list of interpreters and mental health or developmental disability deafness professionals employed by, or under contract to, the facility. The list shall have each interpreter's mode of communication and level of certification. The facility director shall be responsible for distributing the list to the appropriate facility staff and updating it at least annually. These lists shall be submitted to the Statewide Coordinator.

C) Facility staff, with the assistance, if necessary, of family members or friends of the individual who uses the individual's preferred mode of communication, shall inform the individual of the mode of communication to facilitate the individual's communication with the facility. To facilitate communication and/or mental health or developmental disability and deafness professional (to consult) has been contacted and the expected time of arrival. Facility staff (unless qualified), family members, or friends of the individual shall not interpret. A qualified interpreter and/or mental health or developmental disability and deafness professional shall be used during the individual's intake, assessment and evaluation, when information is being conveyed to the individual regarding admission, discharge, transfer, or the right to object thereto. The explanation of the individual's rights when being transferred or involuntarily committed or when being placed in a seclusion room or restraint, or when being placed in a psychiatric hospital or institution, during therapy, or whenever necessary to provide effective treatment or habilitation services to the individual, writing is not an acceptable substitute for an interpreter and/or mental health or developmental disability and deafness professional during the intake, admission and therapy process.

D) If communication facilitation is necessary in order to determine whether the individual meets the admission criteria, or to complete the admission, discharge, or transfer process, it shall be obtained preferably within 12 hours. But not later than the time indicated on the intake form, by 3-204 (1), 3-204 (2), 3-207, 3-210, 3-204(a), 3-204(b), 3-204(c), 3-204(d), 3-204(e), 3-204(f), 3-204(g), 3-204(h), 3-204(i), 3-204(j), 3-204(k), 3-204(l), 3-204(m), 3-204(n), 3-204(o), 3-204(p), 3-204(q), 3-204(r), 3-204(s), 3-204(t), 3-204(u), 3-204(v), 3-204(w), 3-204(x), 3-204(y), 3-204(z), 3-204(aa), 3-204(ab), 3-204(ac), 3-204(ad), 3-204(ae), 3-204(af), 3-204(ag), 3-204(ah), 3-204(ai), 3-204(aj), 3-204(ak), 3-204(al), 3-204(am), 3-204(an), 3-204(ao), 3-204(ap), 3-204(aq), 3-204(ar), 3-204(as), 3-204(at), 3-204(au), 3-204(av), 3-204(aw), 3-204(ax), 3-204(ay), 3-204(az), 3-204(ba), 3-204(bb), 3-204(bc), 3-204(bd), 3-204(be), 3-204(bf), 3-204(bg), 3-204(bh), 3-204(bi), 3-204(bj), 3-204(bk), 3-204(bl), 3-204(bm), 3-204(bn), 3-204(bo), 3-204(bp), 3-204(bq), 3-204(br), 3-204(bs), 3-204(bt), 3-204(bu), 3-204(bv), 3-204(bw), 3-204(bx), 3-204(by), 3-204(bz), 3-204(ca), 3-204(cb), 3-204(cc), 3-204(cd), 3-204(ce), 3-204(cf), 3-204(cg), 3-204(ch), 3-204(ci), 3-204(cj), 3-204(ck), 3-204(cl), 3-204(cm), 3-204(cn), 3-204(co), 3-204(cp), 3-204(cq), 3-204(cr), 3-204(cs), 3-204(ct), 3-204(cu), 3-204(cv), 3-204(cw), 3-204(cx), 3-204(cy), 3-204(cz), 3-204(da), 3-204(db), 3-204(dc), 3-204(dd), 3-204(de), 3-204(df), 3-204(dg), 3-204(dh), 3-204(di), 3-204(dj), 3-204(dk), 3-204(dl), 3-204(dm), 3-204(dn), 3-204(do), 3-204(dp), 3-204(dq), 3-204(dr), 3-204(ds), 3-204(dt), 3-204(du), 3-204(dv), 3-204(dw), 3-204(dx), 3-204(dy), 3-204(dz), 3-204(ea), 3-204(eb), 3-204(ec), 3-204(ed), 3-204(ee), 3-204(ef), 3-204(eg), 3-204(eh), 3-204(ei), 3-204(ej), 3-204(ek), 3-204(el), 3-204(em), 3-204(en), 3-204(eo), 3-204(ep), 3-204(eq), 3-204(er), 3-204(es), 3-204(et), 3-204(eu), 3-204(ev), 3-204(ew), 3-204(ex), 3-204(ey), 3-204(ez), 3-204(fa), 3-204(fb), 3-204(fc), 3-204(fd), 3-204(fe), 3-204(ff), 3-204(fg), 3-204(fh), 3-204(fi), 3-204(fj), 3-204(fk), 3-204(fl), 3-204(fm), 3-204(fn), 3-204(fo), 3-204(fp), 3-204(fq), 3-204(fr), 3-204(fs), 3-204(ft), 3-204(fu), 3-204(fv), 3-204(fw), 3-204(fx), 3-204(fy), 3-204(fz), 3-204(ga), 3-204(gb), 3-204(gc), 3-204(gd), 3-204(ge), 3-204(gf), 3-204(gg), 3-204(gh), 3-204(gi), 3-204(gj), 3-204(gk), 3-204(gl), 3-204(gm), 3-204(gn), 3-204(go), 3-204(gp), 3-204(gq), 3-204(gr), 3-204(gs), 3-204(gt), 3-204(gu), 3-204(gv), 3-204(gw), 3-204(gx), 3-204(gy), 3-204(gz), 3-204(ha), 3-204(hb), 3-204(hc), 3-204(hd), 3-204(he), 3-204(hf), 3-204(hg), 3-204(hh), 3-204(hi), 3-204(hj), 3-204(hk), 3-204(hl), 3-204(hm), 3-204(hn), 3-204(ho), 3-204(hp), 3-204(hq), 3-204(hr), 3-204(hs), 3-204(ht), 3-204(hu), 3-204(hv), 3-204(hw), 3-204(hx), 3-204(hy), 3-204(hz), 3-204(ia), 3-204(ib), 3-204(ic), 3-204(id), 3-204(ie), 3-204(if), 3-204(ig), 3-204(ih), 3-204(ii), 3-204(ij), 3-204(ik), 3-204(il), 3-204(im), 3-204(in), 3-204(io), 3-204(ip), 3-204(iq), 3-204(ir), 3-204(is), 3-204(it), 3-204(iu), 3-204(iv), 3-204(iw), 3-204(ix), 3-204(iy), 3-204(iz), 3-204(ja), 3-204(jb), 3-204(jc), 3-204(jd), 3-204(je), 3-204(jf), 3-204(jg), 3-204(jh), 3-204(ji), 3-204(jj), 3-204(jk), 3-204(jl), 3-204(jm), 3-204(jn), 3-204(jo), 3-204(jp), 3-204(jq), 3-204(jr), 3-204(js), 3-204(jt), 3-204(ju), 3-204(jv), 3-204(jw), 3-204(jx), 3-204(jy), 3-204(jz), 3-204(ka), 3-204(kb), 3-204(kc), 3-204(kd), 3-204(ke), 3-204(kf), 3-204(kg), 3-204(kh), 3-204(ki), 3-204(kj), 3-204(kk), 3-204(kl), 3-204(km), 3-204(kn), 3-204(ko), 3-204(kp), 3-204(kq), 3-204(ks), 3-204(kt), 3-204(ku), 3-204(kv), 3-204(kw), 3-204(kx), 3-204(ky), 3-204(kz), 3-204(la), 3-204(lb), 3-204(lc), 3-204(ld), 3-204(le), 3-204(lf), 3-204(lg), 3-204(lh), 3-204(li), 3-204(lj), 3-204(lk), 3-204(lm), 3-204(ln), 3-204(lo), 3-204(lp), 3-204(lq), 3-204(lr), 3-204(ls), 3-204(lt), 3-204(lu), 3-204(lv), 3-204(lw), 3-204(lx), 3-204(ly), 3-204(lz), 3-204(ma), 3-204(mb), 3-204(mc), 3-204(md), 3-204(me), 3-204(mf), 3-204(mg), 3-204(mh), 3-204(mi), 3-204(mj), 3-204(mk), 3-204(ml), 3-204(mn), 3-204(mo), 3-204(mp), 3-204(mq), 3-204(mr), 3-204(ms), 3-204(mt), 3-204(mu), 3-204(mv), 3-204(mw), 3-204(mx), 3-204(my), 3-204(mz), 3-204(na), 3-204(nb), 3-204(nc), 3-204(nd), 3-204(ne), 3-204(nf), 3-204(ng), 3-204(nh), 3-204(ni), 3-204(nj), 3-204(nk), 3-204(nl), 3-204(nm), 3-204(nn), 3-204(no), 3-204(np), 3-204(nq), 3-204(nr), 3-204(ns), 3-204(nt), 3-204(nu), 3-204(nv), 3-204(nw), 3-204(nx), 3-204(ny), 3-204(nz), 3-204(oa), 3-204(ob), 3-204(oc), 3-204(od), 3-204(oe), 3-204(of), 3-204(og), 3-204(oh), 3-204(oi), 3-204(oj), 3-204(ok), 3-204(ol), 3-204(om), 3-204(on), 3-204(oo), 3-204(op), 3-204(oq), 3-204(or), 3-204(os), 3-204(ot), 3-204(ou), 3-204(ov), 3-204(ow), 3-204(ox), 3-204(oy), 3-204(oz), 3-204(pa), 3-204(pb), 3-204(pc), 3-204(pd), 3-204(pe), 3-204(pf), 3-204(pg), 3-204(ph), 3-204(pi), 3-204(pj), 3-204(pk), 3-204(pl), 3-204(pm), 3-204(pn), 3-204(po), 3-204(pp), 3-204(pq), 3-204(pr), 3-204(ps), 3-204(pt), 3-204(pu), 3-204(pv), 3-204(pw), 3-204(px), 3-204(py), 3-204(pz), 3-204(qa), 3-204(qb), 3-204(qc), 3-204(qd), 3-204(qe), 3-204(qf), 3-204(qg), 3-204(qh), 3-204(qi), 3-204(qj), 3-204(qk), 3-204(ql), 3-204(qm), 3-204(qn), 3-204(qo), 3-204(qp), 3-204(qq), 3-204(qr), 3-204(qs), 3-204(qt), 3-204(qu), 3-204(qv), 3-204(qw), 3-204(qx), 3-204(qy), 3-204(qz), 3-204(ra), 3-204(rb), 3-204(rc), 3-204(rd), 3-204(re), 3-204(rf), 3-204(rg), 3-204(rh), 3-204(ri), 3-204(rj), 3-204(rk), 3-204(rl), 3-204(rm), 3-204(rn), 3-204(ro), 3-204(rp), 3-204(rq), 3-204(rr), 3-204(rs), 3-204(rt), 3-204(ru), 3-204(rv), 3-204(rw), 3-204(rx), 3-204(ry), 3-204(rz), 3-204(sa), 3-204(sb), 3-204(sc), 3-204(sd), 3-204(se), 3-204(sf), 3-204(sg), 3-204(sh), 3-204(si), 3-204(sj), 3-204(sk), 3-204(sl), 3-204(sm), 3-204(sn), 3-204(so), 3-204(sp), 3-204(sq), 3-204(sr), 3-204(ss), 3-204(st), 3-204(su), 3-204(sv), 3-204(sw), 3-204(sx), 3-204(sy), 3-204(sz), 3-204(ta), 3-204(tb), 3-204(tc), 3-204(td), 3-204(te), 3-204(tf), 3-204(tg), 3-204(th), 3-204(ti), 3-204(tj), 3-204(tk), 3-204(tl), 3-204(tm), 3-204(tn), 3-204(to), 3-204(tp), 3-204(tq), 3-204(tr), 3-204(ts), 3-204(tt), 3-204(tu), 3-204(tv), 3-204(tw), 3-204(tx), 3-204(ty), 3-204(tz), 3-204(ua), 3-204(ub), 3-204(uc), 3-204(ud), 3-204(ue), 3-204(uf), 3-204(ug), 3-204(uh), 3-204(ui), 3-204(uj), 3-204(uk), 3-204(ul), 3-204(um), 3-204(un), 3-204(uo), 3-204(up), 3-204(uq), 3-204(ur), 3-204(us), 3-204(ut), 3-204(uv), 3-204(uw), 3-204(ux), 3-204(uy), 3-204(uz), 3-204(va), 3-204(vb), 3-204(vc), 3-204(vd), 3-204(ve), 3-204(vf), 3-204(vg), 3-204(vh), 3-204(vi), 3-204(vj), 3-204(vk), 3-204(vl), 3-204(vm), 3-204(vn), 3-204(vo), 3-204(vp), 3-204(vq), 3-204(vr), 3-204(vs), 3-204(vt), 3-204(vu), 3-204(vw), 3-204(vx), 3-204(vy), 3-204(vz), 3-204(wa), 3-204(wb), 3-204(wc), 3-204(wd), 3-204(we), 3-204(wf), 3-204(wg), 3-204(wh), 3-204(wi), 3-204(wj), 3-204(wk), 3-204(wl), 3-204(wm), 3-204(wn), 3-204(wo), 3-204(wp), 3-204(wq), 3-204(wr), 3-204(ws), 3-204(wt), 3-204(wu), 3-204(wv), 3-204(wx), 3-204(wy), 3-204(wz), 3-204(xa), 3-204(xb), 3-204(xc), 3-204(xd), 3-204(xe), 3-204(xf), 3-204(xg), 3-204(xh), 3-204(xi), 3-204(xj), 3-204(xk), 3-204(xl), 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3-204(iz), 3-204(ja), 3-204(jb), 3-204(jc), 3-204(jd), 3-204(je), 3-204(jf), 3-204(jg), 3-204(jh), 3-204(ji), 3-204(jj), 3-204(jk), 3-204(jl), 3-204(jm), 3-204(jn), 3-204(jo), 3-204(jp), 3-204(jq), 3-204(jr), 3-204(js), 3-204(jt), 3-204(ju), 3-204(jv), 3-204(jw), 3-204(jx), 3-204(jy), 3-204(jz), 3-204(ka), 3-204(kb), 3-204(kc), 3-204(kd), 3-204(ke), 3-204(kf), 3-204(kg), 3-204(kh), 3-204(ki), 3-204(kj), 3-204(kk), 3-204(kl), 3-204(km), 3-204(kn), 3-204(ko), 3-204(kp), 3-204(kq), 3-204(kr), 3-204(ks), 3-204(kt), 3-204(ku), 3-204(kv), 3-204(kw), 3-204(kx), 3-204(ky), 3-204(kz), 3-204(la), 3-204(lb), 3-204(lc), 3-204(ld), 3-204(le), 3-204(lf), 3-204(lg), 3-204(lh), 3-204(li), 3-204(lj), 3-204(lk), 3-204(lm), 3-204(ln), 3-204(lo), 3-204(lp), 3-204(lq), 3-204(lr), 3-204(ls), 3-204(lt), 3-204(lu), 3-204(lv), 3-204(lw), 3-204(lx), 3-204(ly), 3-204(lz), 3-204(ma), 3-204(mb), 3-204(mc), 3-204(md), 3-204(me), 3-204(mf), 3-204(mg), 3-204(mh), 3-204(mi), 3-204(mj), 3-204(mk), 3-204(ml), 3-204(mn), 3-204(mo), 3-204(mp), 3-204(mq), 3-204(mr), 3-204(ms), 3-204(mt), 3-204(mu), 3-204(mv), 3-204(mw), 3-204(mx), 3-204(my), 3-204(mz), 3-204(na), 3-204(nb), 3-204(nc), 3-204(nd), 3-204(ne), 3-204(nf), 3-204(ng), 3-204(nh), 3-204(ni), 3-204(nj), 3-204(nk), 3-204(nl), 3-204(nm), 3-204(nn), 3-204(no), 3-204(np), 3-204(nq), 3-204(nr), 3-204(ns), 3-204(nt), 3-204(nu), 3-204(nv), 3-204(nw), 3-204(nx), 3-204(ny), 3-204(nz), 3-204(oa), 3-204(ob), 3-204(oc), 3-204(od), 3-204(oe), 3-204(of), 3-204(og), 3-204(oh), 3-204(oi), 3-204(oj), 3-204(ok), 3-204(ol), 3-204(om), 3-204(on), 3-204(oo), 3-204(op), 3-204(oq), 3-204(or), 3-204(os), 3-204(ot), 3-204(ou), 3-204(ov), 3-204(ow), 3-204(ox), 3-204(oy), 3-204(oz), 3-204(pa), 3-204(pb), 3-204(pc), 3-204(pd), 3-204(pe), 3-204(pf), 3-204(pg), 3-204(ph), 3-204(pi), 3-204(pj), 3-204(pk), 3-204(pl), 3-204(pm), 3-204(pn), 3-204(po), 3-204(pp), 3-204(pq), 3-204(pr), 3-204(ps), 3-204(pt), 3-204(pu), 3-204(pv), 3-204(pw), 3-204(px), 3-204(py), 3-204(pz), 3-204(qa), 3-204(qb), 3-204(qc), 3-204(qd), 3-204(qe), 3-204(qf), 3-204(qg), 3-204(qh), 3-204(qi), 3-204(qj), 3-204(qk), 3-204(ql), 3-204(qm), 3-204(qn), 3-204(qo), 3-204(qp), 3-204(qq), 3-204(qr), 3-204(qs), 3-204(qt), 3-204(qu), 3-204(qv), 3-204(qw), 3-204(qx), 3-204(qy), 3-204(qz), 3-204(ra), 3-204(rb), 3-204(rc), 3-204(rd), 3-204(re), 3-204(rf), 3-204(rg), 3-204(rh), 3-204(ri), 3-204(rj), 3-204(rk), 3-204(rl), 3-204(rm), 3-204(rn), 3-204(ro), 3-204(rp), 3-204(rq), 3-204(rr), 3-204(rs), 3-204(rt), 3-204(ru), 3-204(rv), 3-204(rw), 3-204(rx), 3-204(ry), 3-204(rz), 3-204(sa), 3-204(sb), 3-204(sc), 3-204(sd), 3-204(se), 3-204(sf), 3-204(sg), 3-204(sh), 3-204(si), 3-204(sj), 3-204(sk), 3-204(sl), 3-204(sm), 3-204(sn), 3-204(so), 3-204(sp), 3-204(sq), 3-204(sr), 3-204(ss), 3-204(st), 3-204(su), 3-204(sv), 3-204(sw), 3-204(sx), 3-204(sy), 3-204(sz), 3-204(ta), 3-204(tb), 3-204(tc), 3-204(td), 3-204(te), 3-204(tf), 3-204(tg), 3-204(th), 3-204(ti), 3-204(tj), 3-204(tk), 3-204(tl), 3-204(tm), 3-204(tn), 3-204(to), 3-204(tp), 3-204(tq), 3-204(tr), 3-204(ts), 3-204(tt), 3-204(tu), 3-204(tv), 3-204(tw), 3-204(tx), 3-204(ty), 3-204(tz), 3-204(ua), 3-204(ub), 3-204(uc), 3-204(ud), 3-204(ue), 3-204(uf), 3-204(ug), 3-204(uh), 3-204(ui), 3-204(uj), 3-204(uk), 3-204(ul), 3-204(um), 3-204(un), 3-204(uo), 3-204(up), 3-204(uq), 3-204(ur), 3-204(us), 3-204(ut), 3-204(uv), 3-204(uw), 3-204(ux), 3-204(uy), 3-204(uz), 3-204(va), 3-204(vb), 3-204(vc), 3-204(vd), 3-204(ve), 3-204(vf), 3-204(vg), 3-204(vh), 3-204(vi), 3-204(vj), 3-204(vk), 3-204(vl), 3-204(vm), 3-204(vn), 3-204(vo), 3-204(vp), 3-204(vq), 3-204(vr), 3-204(vs), 3-204(vt), 3-204(vu), 3-204(vw), 3-204(vx), 3-204(vy),

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENTS

2-604, 3-607, 3-610, 3-704(s), 4-300, 4-402(a), and 4-405). The services of an interpreter and/or mental health or developmental disability and deafness professional shall be available to the facility at least every seven days per person for services as needed. The facility shall pay for the cost of the interpreter.

2) The Statewide Coordinator shall assist any facility on request in obtaining the services of an interpreter or a mental health or developmental disability and deafness professional.

2) Treatment or habilitation services

A) Interpreter services, the services of mental health or developmental disability and deafness professionals, or both, as determined by the interdisciplinary team, shall be made available to any person(s) using different modes (spoken or manual) and/or languages (signed English or American Sign Language) to communicate in order to provide appropriate services to individuals or staff who are hearing impaired and/or use manual or visual communications, and/or treatment to individuals who are hearing impaired and/or use manual or visual communication and the associate auxiliary aids to allow such individuals to benefit from the services and/or treatment. The Statewide Coordinator shall be contacted to provide assistance to facilities to develop and provide appropriate services for these individuals. Treatment or habilitation programs for individuals who are hearing impaired and/or use manual or visual communication may include arrangements made by the facility with other facilities, private clinicians, or other community providers (e.g., hospitals, clinics, Deafment-funded agencies) that can meet the individual's treatment or habilitation needs.

C) Individuals who are hearing impaired and/or use manual or visual communication shall be provided with a communication device for the deaf (TTY) and/or phone (teletypewriter) or teletypewriter devices, which shall be appropriate to insure their right to private telephone communication as provided by Section 2-103 of the Code (45 ILCS 5/2-103). Telecommunication decoders shall be provided and placed, as needed, for television access. Visual and tactile life-safety alerting devices including but not limited to wake-up alarms (lights and/or vibrators) and fire alarms (lights and/or vibrators) shall be installed or available, where necessary.

D) As a part of the quality assessment and improvement program, facilities shall have a written compliance plan for

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individuals who are hearing impaired and/or use manual or visual communication. This plan shall include but not be limited to:

- i) Designated staff responsible for implementing monitoring and evaluating the plan;
- iii) Availability of interpreting and mental health or developmental disability and deafness professionals employed by or contracted to the facility, their skill level in American Sign Language, and any certification they hold; and
- iii) Training for staff on the unique aspects of providing services to individuals who are hearing impaired and/or use manual or visual communication and procedures to assist the individual in filling out a complaint form.

3) Clinical records documentation. Provision of interpreters, mental health or developmental disability and deafness professionals, special equipment, and other support services shall be documented in the intake and treatment summaries.

a) All recipients of services in Department facilities shall be provided adequate and humane care and services for their mental illness or treatment/habilitation program (Ill. Rev. Stat. 1993, ch. 91-1/2, par. 3-1094(c), 3-209 and 4-309).

b) No recipient of service shall, solely on the basis of a hearing impairment or inability to communicate in the English language, be excluded from the participation in the benefits of, or be subjected to discrimination by a Department facility.

c) Communication assistance as that term is used in this Section is the means provided to overcome a barrier in communication created because the recipient does not speak English or has only limited use of English or because the recipient is deaf or hearing impaired (tegy flash-ready paper and pencil) or sign language interpreter tape recordings.

d) If communication assistance is necessary in order to determine whether the individual meets the criteria for admission and/or to complete the admission process, the facility shall obtain the services of a qualified interpreter. The Statewide Coordinator shall be contacted to obtain the services of a qualified interpreter (Ill. Rev. Stat. 1993, ch. 91-1/2, par. 3-1094(c), 3-209 and 4-309).

e) Treatment/habilitation assistance shall be available for the treatment/habilitation staff to provide services to hearing impaired recipients. For the recipient for whom sign language is a primary mode of communication, this shall include the services of a sign language interpreter.

f) Communication assistance shall be available for the

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treatment/habilitation--staff-to-provide-services-to-non-English-
speaking--individuals--requesting--translation--services--the
individual--native-language--shall-be--considered--by--the--Department
established--in--each--of--the--Bureau's--divisions
established--in--each--of--the--Bureau's--divisions--(geographic--divisions
populations--ranging--from--approximately--75,000--to--200,000)--when--50
percent--of--the--planning--area--population--share--a--non-English-speaking
non-English--language--and--40-percent--of--that--non-English-speaking
population--are--referred--for--admission--

- f) Whenever a Department facility cannot provide communication assistance
to the treatment/habilitation staff, the regional administrator shall
provide communication assistance to the staff. The regional administrator
treatment/habilitation program shall be considered by the Department
cannot obtain needed communication assistance. An alternative
treatment/habilitation program is an arrangement made by the facility
with a private institution or other community provider (e.g., hospital
clinics) which can meet the needs of the recipient
treatment/habilitation needs of the recipient

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 111.25 Services to individuals in Department facilities who are
non-English or limited-English speaking

All individuals in Department facilities shall be provided with adequate and
humane care and services pursuant to an individualized service (treatment or
habilitation) plan in accordance with Sections 2-102(a), 3-209 and 4-309 of the
Code [405 ILCS 5/2-102(a), 3-209 and 4-309]. In accordance with Sections
2-102(a), 3-204, 3-205 and 4-305 of the Code [405 ILCS 5/2-102(a), 3-204, 3-205
and 4-305] no individual shall, solely on the basis of an inability to
communicate in the English language, be denied the benefits of, or be subjected
to discrimination by, a Department facility.

- a) Definitions

For the purposes of this Section, the following terms are described:

"Code." The Mental Health and Developmental Disabilities Code
[405 ILCS 5].

"Department." The Department of Mental Health and Developmental
Disabilities or successor agency.

"Individual." A recipient of mental health or developmental
disabilities services, as defined by Sections 1-11 and 1-128 of
the Code [405 ILCS 5/1-11 and 1-128].

"Interpreter." A person fluent in English and in the native

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language of the recipient who can accurately speak, read, and
readily interpret the necessary second language. This
Interpreter shall services approved by the Department's Statewide
Interpreter Services for people who are non-English or
limited-English speakers.

"Non-English speaker." A person whose English vocabulary
consists of 100 to 400 words. Such a person has usually mastered
most expressions necessary to function minimally in an English
speaking environment. However, words used to express feelings
and other emotionally charged material are lacking.

"Non-English speaker." A person who has no command of
understanding of the English language.

"Qualified staff." Mental health or developmental disability
professionals, e.g., psychiatrists, psychologists, social
workers, psychiatric nurses, and other mental health or
developmental disability professionals who meet the
definition of interpreters, as defined in this subsection (a).

b) Service provision

- 1) Prior to admission or during the admission process, intake staff
shall determine whether a person requesting for admission is a
non-English or limited-English speaker and if so, the person's
services required on the intake and treatment summaries. The
provision of the interpreter services shall be defined as a part
of active treatment.
- 2) Interpreter services in the individual's native language shall be
available in accordance with Sections 3-204, 3-205, and 4-205 of
the Code [405 ILCS 5/3-204, 3-205, and 4-205] for the treatment
or habilitation staff to provide services to non-English or
limited-English speaking individuals. Staff shall document in
the individual's clinical record that an interpreter was used to
provide services. The facility shall maintain a list of interpreters employed by
or under contract to the facility and what language(s) they
speak. In addition, each facility shall maintain a list of
community interpreter resources. The facility director shall be
responsible for distributing the list to the appropriate staff
and updating it at least annually.
- 4) Facilities shall provide interpreters during admission, when
admission is required, or specifically during all
admission or evaluations while the individual is being
interviewed or evaluated. A qualified interpreter shall be used during
admission. Additional interpreters may be used during
therapy, when care and treatment information is being conveyed.

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of the first 45-day notice period. Submissions must be in writing and directed to:

Judith Hollenberg
Rules Administrator
Illinois Department of Mental Health
and Developmental Disabilities,
Section 600
Springfield, IL 62765
Telephone (217) 785-3313
FAX (217) 524-8920

12) Initial Regulatory Flexibility Analysis:

- A) Types of small business affected: Private agencies which operate community integrated living arrangements licensed by the Department.
B) Regulatory, bookkeeping or other procedures required for compliance: None.
C) Types of professional skills necessary for compliance: No special skills needed.

13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the Proposed Amendment(s) begins on the next page.

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TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

PART 115

STANDARDS AND LICENSURE REQUIREMENTS FOR COMMUNITY-INTEGRATED LIVING ARRANGEMENTS

SUBPART A: GENERAL PROVISIONS

Section
115.100 Purpose
115.110 Incorporation by reference
115.120 Definitions

SUBPART B: SERVICE REQUIREMENTS

Section
115.200 Description
115.210 Criteria for participation of individuals
115.215 Criteria for termination of individuals
115.220 Community support team
115.230 Interdisciplinary process
115.240 Medical services and medications
115.250 Individual rights and confidentiality

SUBPART C: GENERAL AGENCY REQUIREMENTS

Section
115.300 Environmental management of living arrangements
115.310 Geographic location of community-integrated living arrangements
115.320 Administrative requirements
115.321 Application for waiver of the prohibition against employment
115.325 Monitoring and evaluation
115.330 Accreditation

SUBPART D: LICENSURE REQUIREMENTS

Section
115.400 Applicability
115.410 Issuing a license and period of licensure
115.420 License application
115.430 Application acceptance and verification
115.440 Non-transferability of license
115.450 Cessation of operations
115.460 License revocation
115.470 Hearings

APPENDIX A Specific Level of Functioning Assessment and Physical Health Inventory

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AUTHORITY: Implementing the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135] and the Healthcare Worker Background Check Act [225 ILCS 467], and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/3-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [210 ILCS 1705/5].

SOURCE: Adopted at 14 Ill. Reg. 10865, effective July 1, 1990; emergency amendment at 14 Ill. Reg. 20550, effective December 5, 1990, for a maximum of 150 days; emergency expired May 18, 1991; amended at 15 Ill. Reg. 8560, effective May 24, 1991; emergency amendment at 16 Ill. Reg. 2676, effective February 1, 1992, for a maximum of 150 days; emergency expired on June 30, 1992; amended at 17 Ill. Reg. 12134, effective November 29, 1993; amended at 21 Ill. Reg. _____, effective _____.

SUBPART C: GENERAL AGENCY REQUIREMENTS

Section 115.321 Application for waiver of the prohibition against employment

- a) Hiring of direct care personnel
An agency shall not knowingly hire or retain any person after January 1, 1997 in a full-time, part-time or contractual direct care position if that person has been convicted of committing or attempting to commit one or more of the following offenses unless the applicant or employee obtains a waiver pursuant to subsections (1) through (11) of this Section. Section 25 of the Health Care Worker Background Check Act [225 ILCS 46/25]11:
 - 1) Murder, manslaughter, assault, or concealment of a homicidal weapon, [Section 9-3 through 9-3.3 of the Criminal Code of 1961, 1720 ILCS 5/9-1 through 9-3.1]11;
 - 2) Kidnaping or child abduction [Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 (720 ILCS 5/10-1, 10-2, 10-5 and 10-7)11];
 - 3) Unlawful restraint or forcible detention [Sections 10-3, 10-3.1 and 10-4 of the Criminal Code of 1961 (720 ILCS 5/10-3, 10-3.1 and 10-4)11];
 - 4) Assault, battery or infliction of great bodily harm [Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-5 and 12-7 of the Criminal Code of 1961 (720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-5 and 12-7)11];
 - 5) Sexual assault or abuse [Sections 12-3, 12-4, 12-5 and 12-6 of the Criminal Code of 1961 (720 ILCS 5/12-3, 12-4, 12-5 and 12-6)11];
 - 6) Child sexual abuse or criminal sexual assault of a child [Section 12-14.1 of the Criminal Code of 1961 (720 ILCS 5/12-14.1)11];
 - 7) Abuse or cross neglect of a long-term care facility resident

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- (Section 12-19 of the Criminal Code of 1961 (720 ILCS 5/12-19)11);
 - 8) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 (720 ILCS 5/12-21)11);
 - 9) Theft, financial exploitation of an elderly or disabled person, robbery or burglary [Sections 16-1, 16-1.3, 16A-3, 18-1, 18-2, 19-1 and 19-3 of the Criminal Code of 1961 (720 ILCS 5/16-1, 16-1.3, 16A-3, 18-1, 18-2, 19-1 and 19-3)11];
 - 10) Criminal trespass (Section 19-4 of the Criminal Code of 1961 (720 ILCS 5/19-4)11);
 - 11) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 (720 ILCS 5/20-1 and 20-1.1)11);
 - 12) Unlawful use of weapons or aggravated discharge of a firearm [Sections 24-1, 24-1.1, 24-1.2 of the Criminal Code of 1961 (720 ILCS 5/24-1, 24-1.1, 24-1.2)11];
 - 13) Manufacture, delivery or trafficking of cannabis [Sections 5, 5.1 and 9 of the Cannabis Control Act (720 ILCS 550/5, 5.1 and 9)11]; and
 - 14) Manufacture, delivery or trafficking of controlled substances [Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substances Act (720 ILCS 570/401, 401.1, 404, 405, 405.1, 407 and 407.1)11].
- Definitions**
For the purposes of this Section, the following terms are defined:

- a) "Applicant." A person seeking employment with an agency who has received a bona fide conditional offer of employment. [Section 15 of the Health Care Worker Background Check Act (225 ILCS 46/15)]
- "Conditional offer of employment." A bona fide offer of employment by an agency to an applicant, which is contingent on the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (14) of this Section. (Section 15 of the Health Care Worker Background Check Act (225 ILCS 46/15))
- "Direct care." The provision of nursing assistance with meals, dressing, movement, bathing, or other personal needs of maintenance, or general supervision and oversight of the physical and mental well-being of an individual who is incapable of maintaining a private, independent residence or who is incapable of maintaining his or her residence without the assistance of another individual for that individual. (Section 15 of the Health Care Worker Background Check Act (225 ILCS 46/15))

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"Initiate." The obtaining of the authorization for a record check from a student, applicant, or employee. The provider shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. Section 13 of the Health Care Worker Background Check Act [25 ILCS 46/35]

"Nurse Aide Registry." The registry of nurse aides kept by the Department of Public Health pursuant to Section 3-206.01 of the Nursing Home Care Act [210 ILCS 45/3-206.01].

"UCIA." The Uniform Conviction Information Act [20 ILCS 2635].

c) Nurse Aide Registry

For all applicants for nurse aide positions, the agency shall check the Nurse Aide Registry to determine the date of the applicant's last UCIA criminal history record check. If it has been more than one year since their last check, the agency must initiate or have initiated a check on its behalf UCIA criminal history record check on the nurse aide. (Section 30(b) of the Health Care Worker Background Check Act [225 ILCS 46/30(b)])

d) Conditional offers

Effective January 1, 1996, if the agency makes a conditional offer of employment to an applicant other than a nurse aide who is not exempt under subsection (m) of this Section for a direct care position, the provider shall initiate or have initiated on its behalf a UCIA criminal history record check. (Section 30(c) of the Health Care Worker Background Check Act [225 ILCS 46/30(c)])

e) Initiation of UCIA criminal history record check

By January 1, 1997 the agency must initiate a UCIA criminal history record check on all direct care employees and UCIA criminal history record check and who are not exempt in accordance with subsection (m) of this Section. (Section 30 of the Health Care Worker Background Check Act [225 ILCS 46/30])

f) Request for UCIA criminal history record check

The agency shall request the UCIA criminal history record check in accordance with the requirements of the Department of State Police. (See 20 Ill. Adm. Code 1265.) The agency shall notify the applicant or employee of the following whenever a non-fingerprint UCIA Criminal History Record search is made. (Section 30 of the Health Care Worker Background Check Act [225 ILCS 46/30])

- 1) The agency shall request or have requested on its behalf a UCIA criminal history record check pursuant to the Health Care Worker Background Check Act;
- 2) That the applicant or employee has a right to obtain a copy of the criminal records report, challenge the accuracy and completeness of the report and request a waiver in accordance

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- 2) with subsection (1)(1) of this Section:
That the applicant, if hired conditionally, may be terminated if the criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsection (a) of this Section. If the criminal records report indicates that the applicant's record is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (h) of this Section or the employee receives a waiver pursuant to subsection (1)(1) of this Section; That the applicant or employee cannot work in a direct care position while a waiver request is pending;
- 4) That the applicant, if not hired conditionally, shall not be hired if the criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (4) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (h) of this Section; That the employee receives a waiver pursuant to subsection (1)(1) of this Section;
- 6) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (4) of this Section unless the record is cleared based on a fingerprint-based records check pursuant to subsection (h) of this Section or the employee receives a waiver pursuant to subsection (1)(1) of this Section.

g) Conditional employment

The agency may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30 of the Health Care Worker Background Check Act [225 ILCS 46/30])

h) Request for fingerprint-based UCIA criminal records check

An applicant, employee, or nurse aide whose UCIA criminal history record indicates a conviction for committing or attempting to commit one or more of the offenses enumerated in subsections (a)(1) through (4) of this Section may request that the agency commence a fingerprint-based UCIA criminal records check by submitting information in a form and manner prescribed by the Department of State Police (see 20 Ill. Adm. Code 1265) within 30 days after receipt of the criminal records report to validate identity and clear one's record. (Section 35 of the Health Care Worker Background Check Act [225 ILCS 46/35])

i) Waiver of criminal history record

- 1) An applicant, employee, or nurse aide may request a waiver of the prohibition against employment. (Section 40 of the Health Care Worker Background Check Act [225 ILCS 46/40])
- 2) The Department may grant a waiver based on any mitigating

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circumstances, which may include but not be limited to:

- A) that the applicant's, employee's or nurse aide's are at the time that the crime was committed;
- B) The circumstances surrounding the crime;
- C) The length of time since the conviction;
- D) The applicant or employee's criminal history since the conviction;
- E) The applicant or employee's work history;
- F) The applicant or employee's current employment references;
- G) The applicant or employee's character references;
- H) Nurse Aide Registry records; and
- I) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents, patients or clients.

(Section 40(b) of the Health Care Worker Background Check Act (125 ILCS 46/40(b))

1) Application for waiver

- 1) If the applicant, employee or nurse aide wishes to request a waiver, the request shall be submitted within 5 calendar days after receipt of the criminal records report. A complete waiver request shall include the following:

A) A statement specifying any mitigating circumstances the person believes are relevant to the employment in question; and

B) Either:

- 1) Information necessary for the Department to obtain a fingerprint-based UCIA criminal records check including a suitable set of fingerprints, in a form prescribed by the Department of State Police (see 20 ILCS 265/10-10); or
- 2) A check (which shall not exceed the actual cost of the check) and the findings of the required non fingerprint-based UCIA criminal records check conducted by the Department of State Police; or
- 3) The report of the results of the fingerprint-based UCIA criminal records check done pursuant to subsection (b) of this Section.

2) Agency staff may assist the applicant, employee or nurse aide in completing the application.

3) The waiver request shall be submitted to:

Office of Accreditation and Licensure
Department of Mental Health and Developmental Disabilities
405 Stratton Building
Springfield, IL 62765

k) Waiver decision

- 1) The waiver request shall be reviewed by a panel of Department

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staff. The Department shall return a decision to the applicant, employee or nurse aide and the provider within 30 calendar days after receipt of the completed waiver request, including receipt of a report from the State Police based on the fingerprint-based record check.

- 2) The agency is not obligated to hire or offer permanent employment to an applicant or to retain an employee who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act (125 ILCS 46/40(f))
- 3) The Department shall be immune from liability for any waivers granted. (Section 40(e) of the Health Care Worker Background Check Act (125 ILCS 46/40(e)))

1) Appeal of the decision

- 1) The applicant, employee, or nurse aide may request further review of his or her request for a waiver within 30 calendar days after the receipt of the Department's denial of the waiver.

The applicant, employee or nurse aide may submit additional information or evidence in support of the request.

- 2) The appeal shall be submitted to:

Office of the Director
Department of Mental Health and Developmental Disabilities
401 Stratton Building
Springfield, IL 62765

- 3) The Director shall act on the appeal within 30 calendar days after receipt of the appeal and shall issue a final decision granting or denying the waiver request.

m) This Section shall not apply to:

- 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law; or

2) An individual employed or retained by the agency as defined by Section 13 of the Health Care Worker Background Check Act (125 ILCS 46/13) who has been previously employed by the agency and is required by another law of this State (Section 20) of the Health Care Worker Background Check Act (125 ILCS 46/20);

- 3) The agency shall send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for an individual employed as a nurse aide within 10 working days after receipt of the results. (Section 30(b) of the Health Care Worker Background Check Act (125 ILCS 46/30(b)))

4) The agency shall retain on file for a period of five years records of criminal records requests for all employees. The files shall be subject to inspection by the Department's Office of Accreditation and Licensure. The agency shall retain the results of the UCIA criminal history records check and waiver if appropriate, for the duration of the individual's employment. A fine of \$500 may be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act (125 ILCS 46/50))

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(Source: Added at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Commercial Fishing and Musseling in Certain Waters of the State
- 2) Code Citation: 17 Ill. Adm. Code 830
- 3) Section Numbers: Proposed Action:
830.10 Amendments
830.20 Amendments
830.30 Amendments
830.40 Amendments
830.60 Amendments
830.70 Amendments
830.80 Amendments
830.90 Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5 of the Fish and Aquatic Life Conservation Act [515 ILCS 9/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5].
- 5) A Complete Description of the Subjects and Issues Involved: Amendments are proposed to provide needed protection for several species of fish and mussels and to standardize regulations on boundary waters shared with neighboring states.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:
- Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
217/782-1809
- 12) Initial Regulatory Flexibility Analysis: These amendments do not affect

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- b) Illinois River and adjacent backwaters from Route 89 highway bridge downstream, except for:
 - 1) U.S. Fish and Wildlife National Wildlife Refuge waters;
 - 2) Donnelly/Deque Fish and Wildlife Area;
 - 3) Rice Lake Complex, including all of Big Lake; and
 - 4) Mercedale Lake in Cass and Morgan counties during duck season.
- c) Wabash River.
- d) All rivers, except from Route 130 in Coles County upstream to Route 16 including Lake Charleston.
- e) Sangamon River, downstream of Belt Route 48 southwest of Decatur to mouth in Cass County.
- f) Kaskaskia River south of Route U.S. 50 Bridge to mouth in Randolph County.
- g) Little Wabash River.
- h) Big Muddy River south of State Route 14 highway bridge in Franklin County to mouth in Jackson County.
- i) Skillet Fork.
- j) Cache River, from Route 51 downstream to the Mississippi River via Cache River Channel but not the Cache River proper.
- k) Cache River between the Cache River Channel Levee and the Ohio River.
- l) Saline River in Gallatin and Saline counties.
- o) Ohio River.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 830.20 Waters Open to Commercial Harvest of Mussels and Seasons

- 1) Mississippi River and backwaters, April 15 to August 31 inclusive except for the following areas:
 - 1) All of the area directly above Lock and dam 12 (RM 556.7) from the center of the navigation channel east to the Illinois shoreline and northward to a line extending from RM 558.4 to the Blanding's Landing boat ramp, including but not limited to all of the area contained within the designated U.S. Military Reservation area.
 - 2) All of the waters contained within Sylvan Slough from the Interstate 74 highway bridge (RM 485.8) west to the lower tip of Arsenal Island (RM 482.6).
 - 3) All of the area north of and perpendicular to the center line of the navigation channel to the Illinois shoreline lying between RM 433.0 (New Boston Boat Launching Ramp) to RM 433.8 (lower tip of the first upstream island along the Illinois shoreline).
 - 4) Pontcosuc Bay Island within and described as that area from the center of the main navigation channel and perpendicular to the Illinois shoreline located between RM 388.0 (Pontcosuc Light and daymark) and RM 390.2 (Dallas City boat access area).
 - 5) All of the area southward of the center of the navigation

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channel and perpendicular to the Illinois shoreline on a line from the Des Moines River daymark (Iowa side) and the Des Moines River lighted buoy (Illinois side), both of which are at RM 361.7, to Lock and Dam 19 (RM 364.5) including any slough channels of the Mud Island area along the Illinois side.

- 6) All of the area east of the center of navigation channel and perpendicular to the Illinois shoreline between RM 314.0 (Whitney light and daymark) and RM 316.0 (Hadley Island Goale light and daymark).
- 7) All of the area east of the center of navigation channel and perpendicular to the Illinois shoreline between River Mile 238.4 (Mast's Landing Light and daymark) and River Mile 246.8 (Rocky Point Light and daymark).
- 8) Twin U.S. Fish and Wildlife Service National Wildlife Refuge Waters.
- 9) Ohio River and backwaters, April 15 to September 30 inclusive.

(Source: Amended at 21	Ill.	Reg.	effective

Section 830.30 Special Regulations

- a) Commercial fishing and musseling will not be permitted in any streams, ditches, or tributaries connected to the backwaters of the aforementioned waters.
- b) Any person harvesting mussels for commercial use may possess during the open season only those mussels identified in Section 830.60 of the legal size. Mussels smaller than the legal size and all mussels not identified in Section 830.60 must be immediately returned to the mussel bed or location from which they were taken, within 15 days after the close of the fishing season.
- c) The Illinois Fish and Wildlife Survey will issue permits for the use of paddlefish may not be commercially harvested except in the Ohio River, the Mississippi River below Route 89, and in the Mississippi River below Lock and Dam 18.
- e) Commercial fishing devices must be checked and emptied of catch at the following time intervals:
 - 1) Hoop nets and basket traps must be attended at least once every 48 hours during open water conditions. During ice cover conditions, hoop nets and basket traps must be attended at least once every 20 days.
 - 2) Trammel and gill nets must be attended at least every 24 hours during open water conditions. During ice cover conditions, trammel and gill nets must be attended at least every 20 hours.
 - 3) Trammel and other hoop and line devices must be checked at least every 24 hours.
 - 4) Seines and trammel or gill nets fished by driving or drifting methods must be constantly attended.

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- 5) Commercial gear containing dead or moribund fish as a result of failure to check gear and empty catch shall be considered an illegal device.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 830.40 Devices

- a) Commercial fishing devices used in the aforementioned waters shall conform to all regulations as outlined in Article 15 of Chapter 56 of the Illinois Revised Statutes. Hoop nets, basket traps, trot lines and dip nets may be used in all of the aforementioned waters.

- b) It shall be unlawful:

- 1) To use trammel nets and gill nets except in the Illinois River up to Route 89 Highway Bridge and the Mississippi River.
- 2) To use seines except in the Illinois, Mississippi, Ohio and Wabash Rivers (except seining will not be permitted in Boston Bay and its connected backwaters above the mouth of Boston Bay in Mercer County).
- c) Mussels used in waters open to commercial mussel fishing shall conform to all regulations as outlined below and in Articles 1 and 15 of 515 ILCS 5. Handpicking, crowfoot-bars-and-hand-forks-may-be-used-in-all-waters-listed-in-Section-830-20-above.
- d) It shall be unlawful to use hand forks except in the Mississippi River.
- e) It shall be unlawful to use basket dredges, mechanical devices and hand dredges in the taking of mussels.
- f) It shall be unlawful to harvest mussels in the Ohio River except by using crowfoot bars.
- g) It shall be unlawful to tether or hold mussels in any containment device. Mussels must be taken to the boat or released each day.
- h) Gill or crowfoot bars must be 20 feet or less in length. Not more than 3 bars may be possessed in each boat.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 830.60 Species

- a) The following species of fish may be taken by licensed commercial fishermen:

- 1) Carp
- 2) Buffalo
- 3) Freshwater drum
- 4) Catfishes (includes bullheads)
- 5) Paddlefish (only in waters specified in Section 830.30)
- 6) Carpsuckers

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- 7) Suckers (except Longnose Sucker)
8) Redhorses (except River Redhorse and Greater Redhorse)
9) Goldeye and Mooneye
10) Gar (except alligator gar)
11) Bowfin
12) American muskel
13) Shovelnose sturgeon
14) Spottail shiner
15) Rock bass
16) White sucker (grass carp)
17) Minnows
18) Goldfish

- 19) Bighead Carp and Silver Carp
b) The following species of mussels may be taken by licensed commercial musselers:
- 1) Washboard (Megalonais nervosa)
 - 2) Threeridge (Amblema plicata)
 - 3) Mapleleaf (Quadrula quadrula)
 - 4) Pimpleback (Quadrula pustulosa)
 - 5) Monkeyface (Quadrula metanerva)
 - 6) Wartyback (Quadrula nodulata)
 - 7) Pigtoe (Fusconalia flava forma undata)
 - 8) Hickory Nut (Obovaria olivaria)
 - 9) Link Reclipter (Dreissena alatus)
 - 10) Rockmussel (Dreissena polymorpha)
 - 11) Black Sandshell (Ligumia recta)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 830.70 Size Limit

- a) No channel catfish, blue catfish, flathead catfish or white catfish under 15 inches in length, undressed, or 12 inches in length, dressed, or 10.7 inches when dressed with the first vertebrae (T bone) removed, may be taken.
- b) There is no size limit on other species listed in Section 830.60(a).
- c) All Washboard mussels shall measure not less than 4.0 inches. All relic (dead) Washboards shall measure not less than 4.0 inches.
- d) All Threeridge and Maple Leaf mussels shall measure not less than 2.75 inches.
- e) All other mussels listed in 830.60(b), shall measure not less than 2.5 inches.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 830.80 Commercial Fishing and Musseling in Additional Waters

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- a) Additional waters may be open to commercial fishing or musseling by a contract for removal. Any licensed commercial fisherman or musseler who wishes to fish in any water not listed under Section 830.10 or 830.20 must request permission from the Division of Fisheries. The Division will determine whether the fish or mussel resource can support such activity and whether the activity is in the best interests of the general public. If so, the Department shall issue a contract for removal specifying the type of gear, season, species of fish or mussel that shall be removed, and any other regulations as may be necessary.
- b) The standards for determining whether or not an additional fishery will be open to commercial fishing or musseling shall include: a biological sampling of the commercial fish or mussel population to determine the relative abundance of the species present; an assessment of the impact of commercial fishing or musseling gear on sport fish or mussel populations; a determination of the impact of commercial fishing or musseling activities on other water-based recreation; a determination of whether the fish are safe for public consumption and whether the musseling standards are followed; and, if necessary, CFS 109.30, 1996 (80 IllCS 5/20-35, 20-105) and the Regulations, amendments or additions); and a fair and equitable allocation of commercial fishing or musseling opportunities.
- c) Commercial fishing contracts will not be issued:
- 1) for non-commercial purposes; or
 - 2) if an individual has been found guilty of a violation of a State Fish and Aquatic Life Code law or §7-1117-Nm-Code-499 this Part during the past twelve months.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

Section 830.90 Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements

- a) In accordance with Section 20-105 of the Fish and Aquatic Life Code (411-Rev-Stat-1993-chr-567-par--80-184) [515 ILCS 5/20-105] failure to comply with the provisions of the Fish and Aquatic Life Code of Illinois pertaining to commercial fishing and/or musseling in waters of the State shall result in suspension or revocation of the commercial fishing and/or musseling license. The grounds by which suspensions and revocations are made, the rights of commercial fishermen and musselers to notice and hearing, and the procedures governing such hearings are set forth in 17 Ill. Adm. Code 2530 (Rules governing Department Formal Hearings Conducted For Rule-Making and Contested Cases).
- b) Where waters of the State are open to commercial fishing or musseling by contract, the contract will be revoked upon failure of the contractor to comply with all terms of the contract. Furthermore, any

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- violation of a contract issued by the Director of Conservation or his agents shall be considered a violation of this Administrative Order and subject to the penalties as set forth in Sections 20-35 and 20-105 of the Fish and Aquatic Life Code (411-Rev-Stat-1993-chr-567-par-20-35-and-20-105) [515 ILCS 5/20-35, 20-105].
- c) Commercial fishermen shall submit an accurate annual record of the undressed weights of the species of fish harvested to the Department by January 31 of the following year, whether or not any fish were harvested.
- d) Holders of a commercial musseling license shall submit an accurate record of the types and pounds of each species of musseling and/or relic musseling shells harvested or purchased on a monthly basis during the season by the 10th of each month following harvest, whether or not any musseling or musseling shells were harvested. Reports must be submitted on Official Department of Natural Resources report forms.
- e) Holders of a commercial musseling dealer's license shall submit an accurate record of the types and pounds of each species of musseling and/or relic musseling shells purchased on a monthly basis during the season by the 10th of each month following harvest, whether or not any musseling or musseling shells were purchased. Reports must be submitted on Official Department of Natural Resources report forms.
- f) Failure of licensed commercial musseling dealers, fishermen or musselers to submit the required harvest reports in a manner and time frame specified by the Department shall be grounds for refusal on the part of the Department to issue said individuals a license application for the following year until all required reports are received by the Department.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

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- 1) Heading of the Part: Sport Fishing Regulations for the Waters of Illinois
- 2) Code Citation: 17 Ill. Adm. Code 810

- 3) Section Numbers:
- | | |
|------------|------------------|
| 810.35 | Proposed Action: |
| Amendments | |
| 810.37 | Amendments |
| Amendments | |
| 810.45 | Amendments |
| Amendments | |
| 810.50 | Repeal |
| 810.60 | Amendments |
| Amendments | |
| 810.70 | Amendments |
| Amendments | |
| 810.90 | |

- 4) Statutory Authority: Implementing and authorized by Sections 1-120, 1-125, 1-130, 1-135, 1-140, 1-145, 1-150, 1-155, 1-160, 1-165, 1-170, 1-175, 1-180, 1-185, 1-190, 1-195, 1-200, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code (515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5)

- 5) A Complete Description of the Subjects and Issues Involved: Amendments are made to change catch and size limits; site specific fishing regulations by fish species and group; bait fishing regulations; and fishing tournament permits. Language concerning statewide regulations for bullfrogs is deleted and will be regulated by 17 Ill. Adm. Code 800.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
217/792-1809

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- 12) Initial Regulatory Flexibility Analysis: These amendments do not affect small businesses, small municipalities or not for profit corporations.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page:

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- 3) MUSKELLUNG, NORTHERN PIKE AND THEIR HYBRIDS (tiger muskie) taken as must be 36 inches in total length or longer, except as specified under Site Specific Regulations.
 - B) No more than 1 muskellunge or muskellunge hybrid (tiger muskie), either singly or in the aggregate, may be taken per day, all northern pike taken must be 24 inches in total length or longer, except in the Mississippi River and Ohio River where there is no size limit.
 - D) No more than 3 northern pike may be taken per day, except as specified under Site Specific Regulations.
 - 4) CRAPPIE (WHITE, BLACK OR HYBRID CRAPPIE)
There are no catch or size limits except in those waters listed under Site Specific Regulations.
 - 5) BLUEGILL AND REDDAR SUNFISH
There are no catch or size limits except in those waters listed under Site Specific Regulations.
 - 6) WHITE BASS, OCTOPUS ROCKFISH, WHITE BASS AND CYPRIDS
There are no daily catch limits or minimum size limits for striped bass (ocean rockfish), white bass, and their hybrids, which are less than 17 inches in total length, except in those waters listed under Site Specific Regulations. For these fish 17 inches in total length or longer, the daily limit is 3 fish, either singly or in the aggregate.
 - 7) TROUT AND SALMON
Daily catch limit is 5 trout or salmon, either singly or in the aggregate.
 - 8) WALLEYE, SAUGER OR THEIR HYBRID
Daily catch limit is 6 walleye, sauger or their hybrid, either singly or in the aggregate, except in those waters listed under Site Specific Regulations. There is no size limit except in those waters listed under Site Specific Regulations.
 - 9) RIVER HERRING
There are no catch or size limits. Possession of living river herring is prohibited.
 - 10) GOBIES (ROUND, THORNNOSE)
There are no catch or size limits. Possession of living gobies is prohibited.
 - 11) RUSTY CRANFISH
Possession of living rusty crayfish is prohibited for all except the holders of an approved angler culture permit with a letter of authorization to import/export/possess this species.
- ce: Amended at 21 Ill. Reg. — effective

Section 810.37 Definitions for Site Specific Sportfishing Regulations

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- a) Site Specific Regulations are listed by water area affected. The coverage of the regulation is dictated by the extent of the water area listed and by the county. In some cases, regulations for a given water area or site may extend beyond the county(ies) listed. The county(ies) listed refer to the location of the dam or outfalls for impoundments or mouths of small streams. Since large rivers or streams usually flow through many counties, the term "Multiple" is used rather than listing all counties where the large stream or river flows.
- b) The subsections listed below are referred to by number in Section 810.45. Each water area listed in Section 810.45 has numbers in parenthesis which explain all of the definitions in this Section which apply to that water area.
 - 1) Anglers must not use more than 2 poles and each pole must not have more than 2 hooks or lures attached while fishing, except that legal size cast nets, (in accordance with subsection 810.50(a)(1)) shad scoops, and minnow seines may be used to obtain snail, minnows, and crayfish to use as bait, provided that they are not sold.
 - 2) Possession of yellow perch under 8 inches in total length or over 10 inches in total length is prohibited. On yellow perch 8 to 10 inches in total length may be harvested, include white-belly, black- or hybrid-crappie, singly or in the aggregate.
 - 3) All largemouth and smallmouth bass taken must be less than 12 inches in total length or greater than 15 inches in total length.
 - 4) Except that sport fishermen shall be allowed to use trotlines and jugs, and except that the use and aid of underwater breathing devices is prohibited. West of Wolf Creek Road, fishing from boats is permitted all year. Trotlines/jugs must be removed from sunrise until sunset from Memorial Day through Labor Day. East of Wolf Creek Road, fishing from boats is permitted from March 15 through September 30. Fishing from the bank is permitted all year only at the Wolf Creek and Route 148 causeways. On the entire lake, jugs and trotlines must be checked daily and must be removed on the last day they are used. It is illegal to use stakes to anchor any trotlines; they must be anchored only with portable weights and must be removed on the last day they are used. The taking of carp and buffalo with bow and arrow is permissible.
 - 5) Except that sport fishermen may take carp, carpsuckers, buffalo, gar, bowfin and suckers by plectrofork, gigs, bow and arrow or bow and arrow devices.
 - 6) Except that sport fishermen may take carp, buffalo, suckers and the Mudpuppy on Fox River south of the Illinois-Wisconsin line to the McHenry County line.
 - 7) Except that sport fishermen may take carp, buffalo, suckers and gar by bow and arrow or bow and arrow devices, gigs or spears during May and June.
 - 8) Daily catch limit includes Striped Bass, White Bass, Yellow Bass and Hybrid Striped Bass either singly or in the aggregate.

Section 810.37 Definitions for Site Specific Sportfishing Regulations

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in the Des Plaines River).

37) All largemouth and smallmouth bass taken must be less than 12 inches in total length or greater than 16 inches in total length. Only 1 bass greater than 16 inches and 2 bass less than 12 inches may be taken in the creel daily.

38) All largemouth and smallmouth bass taken must be less than 14 inches in total length or greater than 18 inches in total length. Only 1 bass greater than 18 inches and 5 bass less than 14 inches may be taken in the creel daily.

39) Powerline Lake shall be closed to boat traffic from October 1 to February 15, except for legal waterfowl hunters, and closed to all unauthorized entry during the waterfowl season.

40) The 48 inch total length limit on bass subsistence applies to that body of water listed as well as tailwaters as defined below:

Evergreen Lake (McLean County) - including the portion of Six Mile Creek below the Evergreen Lake Dam downstream to its confluence with the Mackinaw River.

Fox Chain O' Lakes (Lake/McHenry Counties) - including those portions of the Fox River below the McHenry Dam downstream to the Route 176 Bridge and upstream to the Wisconsin - Illinois State Line.

Kinkaid Lake (Jackson County) - including the portion of Kinkaid Creek below the Kinkaid Lake Dam downstream to the Route 147 Bridge.

Lake Shelbyville (Moultrie/Shelby Counties) - including the portion of the Kaskaskia River below the Lake Shelbyville Dam downstream to the State Route 128 Road Bridge near Cowden.

Lake Vermilion (Vernon County) - including the portion of the North Fork of the Vermilion River below the Lake Vermilion Dam downstream to its confluence with the Vermilion River.

Otter Lake (Macoupin County) - including the portion of Otter Creek below Otter Lake Dam downstream to its confluence with East Otter Creek.

Pierce Lake (Winnebago County) - including the portion of Willow Creek below the Pierce Lake Dam downstream to Forest Hills Road.

Shabbona Lake (DeKalb County) - including that portion of Indian Creek below the Shabbona Lake Dam downstream to Shabbona Grove Road.

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Spring Lakes (North and South) (Tazewell County) - no tailwaters.
(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 810.45 Site Specific Water Area Regulations

Fishing regulations, including species of fish, fishing methods and daily catch limits are listed for each water area. The numbers in parenthesis refer to the corresponding numbered definitions in Section 810.37 of this Part. If a water area is not listed or if a specific species is not listed, then state-wide restrictions apply. Check the bulletin boards at the specific site for any emergency changes to regulations.

Allison Lake, City of Lincoln
Logan County

All Fish
Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Anderson Lake Fish and Wildlife Area (33)
Fulton County

Andover Lake, City of Andover
Henry County

All Fish
Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Apple River

Jo Daviess County

Trout

- Spring Closed Season (11)

Apple River Basin - Special Management Zone (within the boundaries of Apple River Canyon State Park, including tributaries)
Jo Daviess County

All Fish

Large or Smallmouth Bass
Large or Smallmouth Bass

-----Bass-(14)

- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit

-----Fish-Bait-Creel-Limit

Argyle Lake, Argyle Lake State Park
McDonough County

All Fish

Bluegill or Redear
Sunfish (14)

Channel Catfish
Large or Smallmouth Bass (14)

Trout

- 2 Pole and Line Fishing Only (1)

- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 1 Fish more than 15" and/or 5 less than 12" Daily (12)
- Fall Closed Season (10)

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Walleye, Sauger or Hybrid - 14" Minimum Length Limit
 Walleye, Black, or Hybrid
 Creppie (15)
 White, Black, or Hybrid - 10 Fish Daily Creel Limit
 Creppie - 9" Minimum Length Limit

Ashland City Reservoir, City of Ashland

Cass County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Ashland Reservoir, City of Ashley
 Washington County
 Channel Catfish - 2 Pole and Line Fishing Only (1)
 Large or Smallmouth Bass - 6 Fish Daily Creel Limit
 - 15" Minimum Length

Auburn Park Lagoon, Chicago Park District

Cook County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Axehead Lake, Cook County Forest Preserve

Cook County
 All Fish - 2 Pole and Line Fishing Only (1)
 Large or Smallmouth Bass - (36)
 Trout - 14" Minimum Length Limit
 - Fall Closed Season (10)
 - Spring Closed Season (11)

Baker Lake, City of Peru

LaSalle County
 All Fish - 2 Pole and Line Fishing Only (1)
 Bluegill or Redear Sunfish (14)
 Channel Catfish - 10 Fish Daily Creel Limit
 Large or Smallmouth Bass - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 1 Fish Daily Creel Limit

Baldwin Lake, Baldwin Lake Conservation Area

Randolph County
 All Fish - 2 Pole and Line Fishing Only
 (11/5)
 Large or Smallmouth Bass - 18" Minimum Length Limit
 Striped, White, or Hybrid
 Striped Bass - 17" Minimum Length Limit
 Striped, White, or Hybrid

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Striped Bass (15)
 White, Black, or Hybrid - 3 Fish Daily Creel Limit
 Creppie (15)
 White, Black, or Hybrid - 25 Fish Daily Creel Limit
 Creppie - 9" Minimum Length Limit

Banana Lake, Lake County Forest Preserve District

Lake County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass (14)
 Large or Smallmouth Bass - 1 Fish Daily Creel Limit
 Trout - 15" Minimum Length Limit
 Trout - Fall Closed Season (10)
 Trout - Spring Closed Season (11)

Banner Marsh Lake & Ponds, Banner Marsh State Fish and Wildlife Area (33)

Peoria/Fulton Counties
 All Fish - 2 Pole and Line Fishing
 Only (11/34)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass (14)
 Large or Smallmouth Bass - 1 Fish Daily Creel Limit
 Walleye, Sauger, or Hybrid - 14" Minimum Length Limit
 Walleye - 14" Minimum Length Limit
 White, Black, or Hybrid - 14" Minimum Length Limit
 Creppie (15)
 White, Black, or Hybrid - 25 Fish Daily Creel Limit
 Creppie - 9" Minimum Length Limit

Batchtown Wildlife Management Area (33)

Calhoun County

Baumann Park Lake, City of Cherry

Valley
 Winnebago County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Large or Smallmouth Bass (14)
 - 1 Fish Daily Creel Limit

Beall Woods Lake, Beall Woods Conservation Area

Webster County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 25 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Trout - Spring Closed Season (11)
 Trout - Fall Closed Season (10)

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Beaver Dam Lake, Beaver Dam State Park

- Macoupin County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
Large or Smallmouth Bass (14)
- 3 Fish Daily Creel Limit
- 3 Fish Daily Creel Limit
- Fall Closed Season (10)
White, Black, or Hybrid
Crappie (15)
- 10 Fish Daily Creel Limit
White, Black, or Hybrid
Crappie
- 9" Minimum Length Limit

Beck Lake, Cook County Forest Preserve District

- Cook County
All Fish
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)(36)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 18" Minimum Length Limit

Bellevue Lake, Cook County Forest Preserve District

- Cook County
All Fish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Trout
- 2 Pole and Line Fishing Only (36)
- 14" Minimum Length Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

Bevier Lagoon, Waukegan Park District

- Lake County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Bird Park Quarry, City of Kankakee

- Kankakee County
Trout
Trout
- Fall Closed Season (10)
- Spring Closed Season (11)

Bowen Lake, City of Washington

- Tazewell County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

Borah Lake, City of Olney

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Richland County

- All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
Boston Pond, Stephen A. Forbes State Park
Marion County
Trout
Trout
- Fall Closed Season (10)
- Spring Closed Season (11)

Braidwood Lake, Macenia--Lakes--and--Pondy--Macenia--Braidwood State Fish and Wildlife Area (13)

- Stander/Will County
Braidwood Lake is closed to all fishing and boat traffic, except for legal waterfowl hunters, from 2 weeks prior to duck season through the day before duck season and is closed to all fishing during waterfowl season commencing with duck season)
All Fish
-----Channel-Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
Walleye, Sauger, or Hybrid
White, Black, or Hybrid
Crappie (15)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 10 Fish Daily Creel Limit

Breeze JC's Park Pond, City of Breeze

- Clinton County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

Buckner City Reservoir, City of Buckner

- Franklin County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Bunker Hill Lake, City of Bunker Hill

- Macoupin County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

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- Burrells Wood Park Pond
White County
Channel Catfish - 6 Fish Daily Creel Limit
- Busse Lake, Cook County Forest Preserve
Cook County
Yellow Perch - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Walleye, Sauger, or Hybrid - 14" Minimum Length Limit
Walleye
- Cache River State Natural Area (19)
Pulaski/Johnson Counties
Calboun Point Wildlife Management Area (33)
Calboun County
Channel Catfish
Yellow Perch - 1555 Fish Daily Creel Limit
Yellow Perch - 8" to 10" Harvest Slot Length Limit (2) - Possession of Yellow Perch under 8" or over 10" is prohibited
Yellow Perch - Closed During June
- Campbell Pond Wildlife Management Area (19)
Jackson County
Channel Catfish
- Campus Lake - Southern Illinois University, State of Illinois
Jackson County
All Fish
Channel Catfish
- Campus Pond - Eastern Illinois University, State of Illinois
Coles County
All Fish
Channel Catfish
Trout
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)
- Canton Lake, City of Canton
Fulton County
All Fish
Channel Catfish
Large or Smallmouth Bass - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass - 3 Fish Daily Creel Limit

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- Carlyle Lake, U.S. Army Corps of Engineers (20) (33)
Clinton County
Large or Smallmouth Bass - 14" Minimum Length Limit
Walleye, Sauger, or Hybrid - 14" Minimum Length Limit
White, Black, or Hybrid - 10 Fish Daily Creel Limit
White, Black, or Hybrid - 10 Fish Daily Creel Limit
Crappie - 10" Minimum Length Limit
- Carthage Lake, City of Carthage
Hancock County
Channel Catfish - 6 Fish Daily Creel Limit
- Cave-in-Rock State Park-Pondy-Cave-in-Rock-State-Park
Madison County
All Fish
-----Frost
-----Frost
-----Spring-Closed-Season-fish
-----Spring-Closed-Season-fish
- Cedar Lake, U.S. Forest Service and City of Carbondale
Jackson County (19)
All Fish
- 2 Pole and Line Fishing Only (1)
- 14-18" Protected Slot Length
- 14-18" Protected Slot Length
- 2 Fish Under 14" and 2 Fish
Over 18" Daily Creel Limit
- 17" Minimum Length Limit
Striped, White, or Hybrid
Striped Bass
Striped Bass (16)
Walleye, Sauger, or Hybrid
Walleye
- Centralla Lake, City of Centralla
Marion County
Large or Smallmouth Bass
- 15" Minimum Length Limit
- Cernack Quarry, Cook County Forest Preserve District
Cook County
All Fish
- 2 Pole and Line
Fishing Only (1)(36)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Channel Catfish
Large or Smallmouth Bass
- Champaign Park District Lakes (Kaufman Lake, Heritage Lake, and Mattis Lake), Champaign Park District
Champaign County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 1 Fish Daily Creel Limit

Charleston Lower Channel Lake, City of Charleston

Coles County
 All Fish
 - 2 Pole and Line Fishing Only (1)

Charleston Side Channel Lake, City of Charleston

Coles County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Striped, White, or Hybrid
 Striped Bass
 Striped, White, or Hybrid
 Striped Bass (16)
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 17" Minimum Length Limit
 - 3 Fish Daily Creel Limit

Charlie Brown Lake & Pond, City of Flora

Clay County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit

Charter Oak North - Peoria Park District Lake, Peoria Park District

Peoria County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 1 Fish Daily Creel Limit

Charter Oak South - Peoria Park District Pond, Peoria Park District

Peoria County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 2 Pole and Line Fishing Only (1)
 6 Fish Daily Creel Limit
 15" Minimum Length Limit
 1 Fish Daily Creel Limit

Chauncey Marsh (19)

Lawrence County

Chicago River (including its North Branch, South Branch, and the North Shore Channel.)

Cook County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Yellow Perch
 Yellow Perch

- 1994 Fish Daily Creel Limit
 - 8" to 10" Harvest Slot Length Limit (2) - Possession of Yellow Perch Under 8" or over 10" is Prohibited
 - Closed During June

Yellow Perch

Citizen's Lake, City of Momonouth

Warren County
 All Fish
 Bluegill or Redear Sunfish (14)
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 Trout
 - 2 Pole and Line Fishing Only (1)
 - 10 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - Fall Closed Season (10)

Clear Lake, Kickapoo State Park

Vermillion County
 All Fish
 Channel Catfish
 Trout
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - Fall Closed Season (10)
 - Spring Closed Season (11)

Clinton Lake, Clinton Lake State Recreation Area (19)

Dewitt County
 All Fish
 Large or Smallmouth Bass
 Striped, White, or Hybrid
 Striped Bass
 Striped, White, or Hybrid
 Striped Bass (16)
 Walleye or Sauger
 White, Black, or Hybrid
 Crappie (15)
 White, Black, or Hybrid
 Crappie
 - 2 Pole and Line Fishing Only (1)(18)
 - 14" Minimum Length Limit
 - 17" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 15 Fish Daily Creel Limit
 - 9" Minimum Length Limit

Coffee Lake, Coffee Lake State Fish and Wildlife Area

Montgomery County
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 White, Black, or Hybrid
 Crappie (15)
 White, Black, or Hybrid
 Crappie
 Striped, White, or Hybrid
 Striped Bass
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 10 Fish Daily Creel Limit
 - 9" Minimum Length Limit
 - 17" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Striped, White, or Hybrid
Striped Bass (16) - 3 Fish Daily Creel Limit
- Coles County Airport Lake, Coles County Airport
Coles County
Channel Catfish - 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
- Coleta Trout Pond, State of Illinois
Whiteside County
Trout - Fall Closed Season (10)
- Spring Closed Season (11)
- Columbus Park Lagoon, Chicago Park District
Cook County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
- Cook Co. F.P.D. Lakes, Cook County Forest Preserve District
Cook County
All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 14" Minimum Length Limit
- Coulterville City Lake, City of Coulterville
Randolph County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
- Crab Orchard National Wildlife Refuge - Crab Orchard Lake, U.S. Fish and Wildlife Service (19)
Williamson County
All Fish - 2 Pole and Line Fishing Only (1)(4)
Striped Bass (16) - 10 Creel/3 Fish 17" or Longer Daily (17)
Large or Smallmouth Bass - 15" Minimum Length Limit
- Crab Orchard National Wildlife Refuge - Devil's Kitchen Lake, U.S. Fish and Wildlife Service (19)
Williamson County
All Fish - 2 Pole and Line Fishing Only (1)
- Crab Orchard National Wildlife Refuge - Little Grassy Lake, U.S. Fish and Wildlife Service (19)
Williamson County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
- Crab Orchard National Wildlife Refuge. Refuge Ponds (except Visitor Pond), Williamson County
All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 15" Minimum Length Limit
- Crab Orchard National Wildlife Refuge. Visitor Pond, U.S. Fish and Wildlife Service
Williamson County
All Fish (30) - 2 Pole and Line Fishing Only (1)
- 21" Minimum Length Limit
- Large or Smallmouth Bass - 21" Minimum Length Limit
- Crab Orchard Co. Cons. Area - Picnic Pond, Crawford County Conservation Area
Crawford County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Trout - Fall Closed Season (10)
- Crab Orchard Co. Cons. Area Ponds, Crawford County Conservation Area
Crawford County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 2 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
- Crull Impoundment Wildlife Management Area (33)
Jersey County
- Crystal Lake, Urbana Park District
Champaign County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
- Dawson Lake & Park Ponds, Moraine View State Park
McLean County
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Walleye, Sauger, or Hybrid - 14" Minimum Length Limit
Hassler, Sauger, or Hybrid - 3 Fish Daily Creel Limit
Walleye (14) - 9" Minimum Length Limit
White, Black or Hybrid Crappie - 3 Fish Daily Creel Limit
White, Black or Hybrid - 9" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

Decatur Park Dist. Ponds, City of Decatur
Macon County
All Fish
Channel Catfish
- 15 Fish Daily Creel Limit
Crappie (15)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
Large or Smallmouth Bass (14)
Des Plaines River Basin - Special Management Zone (Hoffman Dam to 47th Street Bridge, including tributaries)
Cook County
Channel Catfish
Channel Catfish
Large or Smallmouth Bass
- 15" Minimum Length Limit
- 6 Fish Daily Creel Limit
- Catch and Release Only -
No Harvest Permitted (9)
- 30" Minimum Length Limit
- 1 Fish Daily Creel Limit
Northern Pike
Northern Pike
White, Black or Hybrid
Crappie (15)
Hybrid Walleye, or
Hybrid Walleye
Walleye, Sauger, or
Hybrid Walleye (14)
- 10 Fish Daily Creel Limit
- 18" Minimum Length Limit
- 1 Fish Daily Creel Limit
Des Plaines River Conservation Area (19)
Will County

Bixon-Springs-Agy-Center-Pondy-Bixon-Springs-Agy-Center
Pope County
-----Front
-----Rear
-----Spring-Closed-Season-11to1
-----Fall-Closed-Season-11to1

Dog Island Wildlife Management Area (19)
Pope County

Dolan Lake, Hamilton County Conservation Area
Hamilton County
All Fish
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 14" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

Donnelley State Wildlife Area (33)
Bureau County
Douglas Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
DuPage County Forest Preserve District Lakes and Ponds, DuPage County Forest Preserve District
DuPage County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
DuPage River - West Branch (between the dams located in the McDowell Grove Forest Preserve and the Warrenville Grove Forest Preserve)
DuPage County
Large or Smallmouth Bass
- Catch and Release
Fishing Only (9)
East Fork Lake, City of Olney
Richland County
All Fish
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 14" Minimum Length Limit
- 25 Fish Daily Creel Limit
Eldon Hazlet State Park (19) (See Also Carlyle Lake)
Clinton County
Elliott Lake, Wheaton Park District
DuPage County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
Evergreen Lake, City of Bloomington
McLean County
Large or Smallmouth Bass
Pure Muskellunge
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
- 15" Minimum Length Limit
- 48"-54" Minimum Length Limit (40)
- 14" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Trout Trout

- Fall Closed Season (10)
- Spring Closed Season (11)

Franklin Creek (within the boundaries of Franklin Creek State Natural Area)

Lee County Fish

- Large or Smallmouth-Bass
- Large or Smallmouth
- Bass (14)
- Bass (14)

Fuller Lake (19)

Calhoun County

Eulon County Camling and Recreation Area Waters. Eulon County Board

Eulon County

All Fish

- 2 Pole and Line Fishing Only (11)
- 6 Fish Daily Creel Limit
- 12"-15" Protected Slot Length Limit (no possession)
- 3 Fish Daily Creel Limit

Large or Smallmouth

Blue Gill or Redear

Sunfish (14)

- 25 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Trout	- Spring Closed Season (11)
Giant City Park Ponds, Giant City State Park	
Jackson and Union Counties	
Largemouth and Spotted Bass	- 15" Minimum Length Limit
Gillespie New City Lake, City of Gillespie	
Macoupin County	
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 12-15" Slot Length Limit (3)
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Gillespie Old City Lake, City of Gillespie	
Macoupin County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Glades - 12 Mile Island Wildlife Management Area (33)	
Jersey County	
Gladstone Lake, Henderson County Conservation Area	
Henderson County	
All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 10 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 12-15" Slot Length Limit (3)
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Glen Oak Park Lagoon, Peoria Park District	
Peoria County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Glen Shoals Lake, City of Hillsboro	
Montgomery County	
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Striped, White, or Hybrid	
Striped Bass	- 17" Minimum Length Limit
Striped, White, or Hybrid	
Striped Bass (16)	- 3 Fish Daily Creel Limit
Godard-Diamond/Hurricane Island Wildlife Management Area (33)	
Chadbourne	

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

Compers Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Gordon F. Mece Park Lake, City of Alton
Madison County
All Fish
Bluegill or Redear
Sunfish (14)
Channel Catfish
- 6 Fish Daily Creel Limit
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Limit

Governor Bond Lake, City of Greenville
Bond County
All Fish
Channel Catfish
Sunfish (14)
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass
- 17" Minimum Length Limit
Striped, White, or Hybrid
Striped Bass (16)
- 3 Fish Daily Creel Limit

Grayslake Park District (Grayslake and Park Ponds)
Lake County
All Fish
Channel Catfish
Sunfish (14)
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

Greenfield City Lake, City of Greenfield
Green County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Greenville Old City Lake, City of Greenville
Bond County
All Fish
Channel Catfish
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)

Harrisburg New City Reservoir, City of Harrisburg
Saline County
Channel Catfish
Large or Smallmouth Bass

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

All Fish
Channel Catfish
Striped, White, or Hybrid Striped Bass
Striped, White or Hybrid Striped Bass (16)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit

Harrisburg Holding Pits North and South, City of Harrisburg
Saline County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Heidecke Lake, Heidecke Lake State Fish and Wildlife Area
Grundy County (33)
(Shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 2 weeks prior to duck season until the close of waterfowl season)
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass (16)
- 10 Creel/3 Fish 17" or Longer Daily (17)
Walleye, Sanger, or Hybrid
Walleye
Walleye, Sanger, or Hybrid
Walleye (14)
- 22" Minimum Length Limit
- 3 Fish Daily Creel Limit

Heimbold Slough (19)
Calhoun County
Hennepin Canal-Mainline & Feeder, Hennepin Canal Parkway State Park
Madison County
All Fish
- 2 Pole and Line Fishing Only (13)(13)
Large or Smallmouth Bass
Trout
Trout
Walleye, Sanger, or Hybrid
Walleye
- 14" Minimum Length Limit

Hidden Springs State Forest Ponds, Hidden Springs State Forest
Shelby County
All Fish
Bass, White, or Redear
Sunfish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 18" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Large or Smallmouth Bass - 1 Fish Daily Creel Limit
- Highland Old City Lake, City of Highland
Madison County
All Fish
Channel Catfish
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Hillsboro Old City Lake, City of Hillsboro
Montgomery County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 12-15 Slot Length Limit (3)
- Homer Lake, Champaign County Forest Preserve District
Champaign County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Hornel Pond, Donnelly State Fish and Wildlife Area
Bureau County
All Fish
- 2 Pole and Line Fishing Only (1)(5)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Horseshoe Lake-Alexander Co., Horseshoe Lake Conservation Area
Alexander County
(Only trolling motors in refuge from October 5-March 1)
All Fish
- 2 Pole and Line Fishing Only (1)
(5)
Channel Catfish
Large or Smallmouth Bass
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Horseshoe Lake-Madison County, Horseshoe Lake State Park (33)
Madison County
All Fish
- 2 Pole and Line Fishing Only (1)(28)(34)
- 15" Minimum Length Limit
Large or Smallmouth Bass (14)
- 3 Fish Daily Creel Limit
White, Black or Hybrid Crappie (15) - 25 Fish Daily Creel Limit
- Horton Lake, Nauvoo State Park
Hancock County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Ruht Park Big Lake, Canton Park District
Pulaski County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Rumbolt Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
Illinois & Michigan Canal, State of Illinois
Grundy/Tazewell/Will Counties
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Illinois Beach State Park Ponds, Illinois Beach State Park
Lake County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Illinois Department of Transportation Lake, State of Illinois
Sangamon County
All Fish
Channel Catfish
Trout
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)
- Illinois River - Pool 26 (19)
Calhoun County
- Indian Boundary South Pond, Frankfort Square Park District
Will County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Jackson Park (Columbia Basin) Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Johnson Sauk Trail Lake & Pond, Johnson Sauk Trail State Park
Henry County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Jones Park Lake, City of East St. Louis

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

Jones State Lake, Saline County Conservation Area

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14"-18" Protected Slot Length Limit (no possession) (38)
- 14"-Minimum-Length-Bass
- 5 Fish under 14" and 1 Fish over 18" Daily Creel Limit

Jones Lake Trout Pond, Saline County Conservation Area

- Fall Closed Season (10)
- Spring Closed Season (11)

Jubilee College State Park Ponds, Jubilee College State Park

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Kankakee River Basin - Special Management Zone (Wilmington Dam to the Mouth of the Kankakee River, including tributaries)

- 12" - 16" Protected Slot Length Limit (no possession) (37)
- 1 Fish over 16" and 2 Fish under 12" Daily Creel Limit

Kankakee River Basin - Special Management Zone (Kankakee Dam to the Wilmington Dam, including tributaries)

- 14" Minimum Length Limit
- Catch and Release Only Season in tributaries - No Harvest May 1 through June 15 (3)

Kankakee River State Park (19)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Kankakee/Will Counties

- Kaskaskia River & all tributaries, State of Illinois
- Multiple Counties
- Walleye, Sauger, or Hybrid
- 14" Minimum Length Limit

Kaskaskia River Fish and Wildlife Area (19)

St. Clair/Randolph/Monroe Counties

- Kaskaskia River Fish and Wildlife Area - Doza Creek Wildlife Management Area (35)
- St. Clair County

Kendall Co. Lake #1, Kendall County Forest Preserve District

- Kendall County
- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

Kent Creek

Winnebago County

- Trout
- Spring Closed Season (11)

Kickapoo State Park Lakes & Ponds, Kickapoo State Park

- Vernation County
- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Kinkaid Lake, Kinkaid Lake State Fish and Wildlife Area (19)

Jackson County

- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- Pure Muscellunge
- Walleye, Sauger, or Hybrid
- Walleye
- 12" - 16" Protected Slot Length Limit (no possession)
- 2 Fish Under 12" and 2 Fish Over 16" Daily Creel Limit
- 50" - 45" Minimum Length Limit (40)
- 14" Minimum Length Limit

Lake Atwood, McHenry County Conservation District

McHenry County

- All Fish
- Channel Catfish
- Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Spring Closed Season (11)

Lake Bloomington, City of Bloomington

McLean County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Channel Catfish
 - 1 Fish Daily Creel Limit
 - 1 Fish 30-15" 4/ or 2 <
 12" Daily (31)

Lake Michigan (Illinois Portion), State of Illinois

- Lake Trout and Salmon
 - 10" Minimum Length Limit
 - no more than 3 fish of any
 one species daily, except
 for Lake Trout
 - 2 Fish Daily Creel Limit
 - 13-25 Fish Daily Creel Limit
 - 8" to 10" Harvest Slot Length
 Limit (2) - Possession of Yellow
 Perch under 8" or over 10" is
 prohibited
 - Closed During June
- Yellow Perch
 - 10" Minimum Length Limit
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - Spring Closed Season (11)

Lake Milliken, Des Plaines Conservation Area

- Will County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - Spring Closed Season (11)

Lake Mingo & Kennesaw Cove Park Ponds, Vermilion County Conservation Area

- Vermilion County
 All Fish
 Bluegill or Redear Sunfish (14)
 - 2 Pole and Line Fishing Only (1)
 - 25 Fish Daily Creel Limit
 Channel Catfish
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 Large or Smallmouth Bass
 - 14" Minimum Length Limit
 Walleye, Sauger, or Hybrid
 - 14" Minimum Length Limit

Lake Murphyboro, Lake Murphyboro State Park

- Jackson County
 All Fish
 Bluegill or Redear Sunfish (14)
 - 2 Pole and Line Fishing Only (1)
 - 25 Fish Daily Creel Limit
 Channel Catfish
 - 6 Fish Daily Creel Limit
 Large or Smallmouth
 Bass (14)
 - 3 Fish Daily Creel Limit

Lake Nellie, City of St. Elmo

- Fayette County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass
 - 14" Minimum Length Limit
 Striped, White, or Hybrid

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Striped Bass
 - 17" Minimum Length Limit
 Striped, White, or Hybrid
 - 3 Fish Daily Creel Limit
 Striped Bass (16)

Lake of the Woods & Elk's Pond, Champaign County Forest Preserve District

- Champaign County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 Large or Smallmouth Bass
 - 14" Minimum Length Limit
 Large or Smallmouth Bass (14)
 Trout
 - 1 Fish Daily Creel Limit
 - Spring Closed Season (11)

Lake Olson, Rock Cut State Park

- Winnebago County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 Large or Smallmouth Bass
 - 14" Minimum Length Limit
 Large or Smallmouth Bass (14)

Lake Owen, Hazel Crest Park District

- Cook County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Lake Paradise, City of Mattoon

- Coles County
 All Fish
 Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 14" Minimum Length Limit

Lake Paradise Shadow Ponds, City of Mattoon

- Coles County
 All Fish
 Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 14" Minimum Length Limit
 - 6 Fish Daily Creel Limit

Lake Sara, City of Effingham

- Effingham County
 All Fish
 Large or Smallmouth Bass
 - 14" Minimum Length Limit
 Walleye, Sauger, or Hybrid
 Walleye
 - 14" Minimum Length Limit
 White, Black, or Hybrid
 Crappie (15)
 - 25 Fish Daily Creel Limit

Lake Shelbyville (21), U.S. Army Corps of Engineers

- Effingham County
 All Fish
 Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Large or Smallmouth Bass
 - 14" Minimum Length Limit
 Pure Muskellunge
 - 48" 36" Minimum Length Limit (40)
 Walleye, Sauger, or Hybrid
 - 14" Minimum Length Limit
 Walleye, Sauger, or Hybrid
 - 10 Fish Daily Creel Limit
 Crappie (15)
 White, Black, or Hybrid
 - 10" Minimum Length Limit
 Crappie
- Lake Shelbyville - Project Ponds & Woods Lake, Lake Shelbyville State Fish and Wildlife Area (33)
 Moultrie/Shelby Counties
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 White, Black, or Hybrid
 Crappie
 White, Black, or Hybrid
 Crappie (15)
- Lake Sinissippi (19)
 Whiteside County
 Lake Springfield, City of Springfield
 Sangamon County
 All Fish
 Large or Smallmouth Bass
 Walleye, Sauger, or Hybrid
 Walleye
 White, Black, or Hybrid
 Crappie (15)
 White, Black, or Hybrid
 Crappie
- Lake Storey, City of Galesburg
 Knox County
 All Fish
 Bluegill or Redear Sunfish (14)
 Channel Catfish
 Large or Smallmouth Bass
 Walleye, Sauger, or Hybrid
 Walleye
 Walleye, Sauger, or Hybrid
 Walleye (14)
- Lake Strain, Village of Romeoville
 Will County
 All Fish
 - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Channel Catfish
 Lake Sule, Flagg-Rochelle Park District
 Ogle County
 All Fish
 Bluegill or Redear
 Sunfish (14)
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 Pure Muskellunge
 Walleye, Sauger, or Hybrid
 Walleye
 White, Black or Hybrid
 Crappie (15)
- Lake Taylorville, City of Taylorville
 Christian County
 Large or Smallmouth Bass
 White, Black, or Hybrid
 Crappie
 White, Black, or Hybrid
 Crappie (15)
- Lake Vandalia, City of Vandalia
 Fayette County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Striped, White, or Hybrid
 Striped Bass
 Striped, White, or Hybrid
 Striped Bass (16)
- Lake Vermilion, Vermilion County Conservation District
 Vermilion County
 All Fish
 Large or Smallmouth Bass
 Pure Muskellunge
 Walleye, Sauger, or Hybrid
 Walleye
 White, Black, or Hybrid
 Crappie
 White, Black, or Hybrid
 Crappie (15)
- Lake Williamsville, City of Williamsville
 - 2 Pole and Line Fishing Only (26)
 - 15" Minimum Length Limit (23)
 - 48" 36" Minimum Length Limit
 (40)(43)
 - 14" Minimum Length Limit (23)
 - 9" Minimum Length Limit
 - 25 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Sangamon County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- LaSalle County
LaSalle Power Station
LaSalle County
All Fish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass (16)
- 2 Pole and Line Fishing Only (1)
- 1 Fish Daily Creel Limit
- 18" Minimum Length Limit
- 10 Creel/3 Fish 17" or Longer
Daily (17)
- Leveing Lake, Rockford Park District
Winnebago County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Lincoln Log Cabin Pond, Lincoln Log Cabin Historical Site
Coles County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Lincoln Park North Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Lincoln Park South Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Lincoln Trail Lake, Lincoln Trail State Park
Clark County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- Little Black Slough, Little Black Slough State Natural Area
Johnson County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- No Seines
- Little Sister Lake, County of Fulton
Fulton County
All Fish
Bluegill or Redear
- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Sangamon County
Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- 3 Fish Daily Creel Limit
- Little Vermilion River Basin - Special Management Zone (river mainstem and tributaries)
LaSalle County
Large or Smallmouth Bass
- 15" minimum Length Limit
- 3 Fish Daily Creel Limit
- Loam Reservoir, City of Loam
Sangamon County
All Fish
Channel Catfish
Large or Smallmouth Bass
Lower Cache River, Lower Cache River State Natural Area
Pulaski/Johnson Counties
All Fish
All Fish
- 2 Pole and Line Fishing Only (1)
- No Seines
- Lyera Lake, Union County Conservation Area
Union County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Maestrow-River-within-the-boundaries-of-Maestrow-River-and-Widiffe Areas
Tazewell County
-----Sarge-or-Smallmouth-Bass
-----Sarge-or-Smallmouth
-----Bass-(14)
- 12-15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Macon County Conservation District Ponds, Macon County Conservation District
Macon County
All Fish
Channel Catfish
Maple Lake, Cook County Forest Preserve District
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Cook County
All Fish
Channel Catfish
Large or Smallmouth Bass
Marquette Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
Marshall County Conservation Area (Fishing Ditch), Marshall County
Conservation Area (33)
Marshall County
(Unlawful to trespass upon designated waterfowl hunting areas 7 days prior to the waterfowl season and on areas designated as waterfowl refuges from October 10 until the end of the waterfowl season)
All Fish
- 2 Pole and Line Fishing Only (1)
- Marshall County Conservation Area - Sparland Unit (19)
Marshall County
Mascoutah Reservoir, City of Mascoutah
St. Clair County
All Fish
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Massac County Fairgrounds Pond, State of Illinois
Massac County
Trout
Trout
- Fall Closed Season (10)
- Spring Closed Season (11)
- Mattion Lake, City of Mattion
Coles County
All Fish
Large or Smallmouth Bass
Marion-Braidwood-Bates-6-Pondy--Marion-Braidwood-State-Fish-and-Wildlife Area-(33)
Grundy/Will-Counties
Braidwood-Lake-is-closed-to-all-fishing-and-bait-traffic-from-2-weeks-prior-to-duck-season-through-the-day-before-duck-season-and-is-closed-to-all-fishing during waterfowl season-commencing-with-duck-season)
All Fish
Channel Catfish
Barge-or-Smallmouth-Bass
Barge-or-Smallmouth-Bass-(14)
- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Mattion Lake, City of McHenry
McHenry County
All Fish
Bluegill or Redear
Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Barge or Smallmouth Bass (14)
Crappie (15)
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit
- McKinley Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Striped-White-or-Hybrid
-----Striped-Bass
-----Striped-White-or-Hybrid
-----Striped-Bass-(16)
-----Walleye-Sauger-or-Hybrid
-----Walleye
-----White-Black-or-Hybrid
-----Crappie-(15)
Mautino Fish and Wildlife Area, Mautino Fish and Wildlife Area
Bureau County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Mauvaise Terre/Morian Lake, City of Jacksonville
Morgan County
Large or Smallmouth Bass
- 15" Minimum Length Limit
- Mazonia Lakes & Ponds, Mazonia State Fish and Wildlife Area (33)
Stundy County
Mazonia Lakes and Ponds are closed to all fishing and bait traffic from 2 weeks prior to duck season through the day before duck season and is closed to all fishing during waterfowl season commencing with duck season)
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
White, Black or Hybrid
Crappie (15)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 10 Fish Daily Creel Limit
- McCullom Lake, City of McHenry
McHenry County
All Fish
Bluegill or Redear
Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Barge or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit
- McKinley Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- McLeansboro City Lakes, City of McLeansboro
Hamilton County
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
Large or Smallmouth Bass
- Meredosa Lake - Cass County Portion Only (meandered waters only) (33)
Cass County
Meredosa Lake - Cass County Portion
Cass County
(Meandered waters only) (All boat traffic is prohibited from operating on meandered waters (except non-motorized boats may be used to assist in the retrieval of waterfowl shot from private land) from the period from one week before the season opens until the season closes; hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes)
- Memet State Lake, Memet Lake Conservation Area (33)
Masac County
All Fish
- 2 Pole and Line Fishing Only (1)
(5)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
Large or Smallmouth Bass
Channel Catfish
- Middle Fork Forest Preserve Ponds, Champaign County Forest Preserve
Champaign County
All Fish
- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)
Channel Catfish
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
Large or Smallmouth Bass
- Middle Fork of the Vermillion River, Kickapoo State Park and Middle Fork Fish and Wildlife Area
Vermillion County
All Fish
- 2 Pole and Line Fishing Only (1)
- Middle Fork of the Vermillion River Basin - Special Management Zone (river mainstem and tributaries)
Vermillion County
Large or Smallmouth Bass
- 14" Minimum Length Limit
- Catch and Release Only Season in
March-April, May, and June
through June 15, (2)
- Mill Creek Lake, Clark County Park District
Clark County
All Fish
- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Channel Catfish
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
Large or Smallmouth Bass
- Miller Park Lake, City of Bloomington
McLean County
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
Channel Catfish
- Spring Closed Season (11)
Trout
- Mineral Springs Park Lagoon, City of Pekin
Tazewell County
All Fish
- 2 Pole and Line Fishing Only (1)
Channel Catfish
- Fall Closed Season (10)
Trout
- Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26 (19)
Multiple Counties
- Mississippi River (between IL & IA), State of Illinois
Multiple Counties
Large or Smallmouth Bass
Northern Pike
Walleye and Sauger (14)
Walleye
- Mississippi River (between IL & MO), State of Illinois
Multiple Counties
(Boating prohibited on refuge area immediately south of Melvin Price Lock and Dam 26 from October 15-April 15)
Northern Pike
Walleye and Sauger (14)
- Monroe Reservoir, Will County Forest Preserve District
Will County
All Fish
- 2 Pole and Line Fishing Only (1)
Channel Catfish
- 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
- 15" Minimum Length Limit
- Monroe Lake, City of Montrose
Cumberland County
All Fish
- 2 Pole and Line Fishing Only (1)
Channel Catfish
- 6 Fish Daily Creel Limit
Large or Smallmouth Bass
- 14" Minimum Length Limit
- Mt. Olive City Lakes, City of Mt. Olive
Macoupin County
All Fish
- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Channel Catfish
- Mt. Olive (Old) Lake, City of Mt. Olive
Macoupin County
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 6 Fish Daily Creel Limit
- Mt. Sterling Lake, City of Mt. Sterling
Brown County
Channel Catfish
Large or Smallmouth Bass
- 6 Fish Daily Creel Limit
- 12-15" Slot length Limit (3)
- Mt. Vernon City Park Lake, City of Mt. Vernon
Jefferson County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Mt. Vernon Game Farm Pond, Mt. Vernon Game Farm
Jefferson County
All Fish
Trout
Trout
- 2 Pole and Line Fishing Only (1)
- Fall Closed Season (10)
- Spring Closed Season (11)
- Mundelein Park Dist. (Diamond Lake & Park Ponds), City of Mundelein
Lake County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Nashville City Lake, City of Nashville
Washington County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 18" Minimum Length Limit
- Newton Lake, Newton Lake State Fish and Wildlife Area
Jasper County
All Fish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Walleye, Sauger, or Hybrid
White, Black, or Hybrid
- 2 Pole and Line Fishing Only (1)
- 18" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 14" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Crappie (15)
White, Black, or Hybrid
Crappie
- 10 Fish Daily Creel Limit
- 10" Minimum Length Limit
- Norris City Reservoir, City of Norris City
White County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Oakford Conservation Area (Menard County) (19)
Menard County
Oakland City Lake, City Lake, City of Oakland
Coles County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Ohio River (between Illinois & Kentucky), State of Illinois
Multiple Counties (19)
Large or Smallmouth Bass
Northern Pike
Muskie or Tiger Muskie
Muskie or Tiger Muskie
Walleye, Sauger, or Hybrid
Walleye (14)
White, Black, or Hybrid
Crappie (15)
Striped, White, Yellow or Hybrid
Striped Bass
- 12" Minimum Length Limit
- No Length or Creel Limit
- 2 Fish Daily Creel Limit
- 30" Minimum Length Limit
- 10 Fish Daily Creel Limit
- 30 Fish Daily Creel Limit
- 30 Creel/4 Fish 15" or Longer Daily (32)
- Ohio River-Smithland Pool Tributary Streams (in Pope/Hardin/Gallatin Counties, excluding Wabash River and Saline River Above Route 1 Bridge) (19)
Multiple Counties
Large and Smallmouth Bass
Oter Lake, Oter Lake Water Commission
Macoupin County
All Fish
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 13" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 17" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Striped Bass (16)
Pace Muskegonage
- 3 Fish Daily Creel Limit
- 48" 45" Minimum Length Limit (40)

Palmyra-Modesto Water Commission Lake, Palmyra/Modesto Water Commission

- Macopin County
Large or Smallmouth Bass
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
Bass (14)

Palmyra City Lake & Terry Park Pond, City of Palmyra

- Macopin County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Pana Lake, City of Pana

- Shelby and Christian Counties
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Paris East & West Lakes, City of Paris

- Edgar County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Peabody River King, Pit #3 Lakes and Ponds, River King State Conservation Area

- St. Clair County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

White, Black, or Hybrid

- Crappie (15)
White, Black, or Hybrid Crappie
- 25 Fish Daily Creel Limit
- 9" Minimum Length Limit

Pekin Lake (19)Tazewell CountyPerry Farm Pond, Bourbonnais Park District

- Kankakee County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Piasa (19)Madison/Jersey Counties

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Pierce Lake, Rock Cut State Park

- Winnebago County
All Fish
- 2 Pole and Line Fishing Only (1)(7)
- 5 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 18" 36" Minimum Length Limit (40)

Bluegill or Redear Sunfish (14)Channel CatfishLarge or Smallmouth Bass (14)Large or Smallmouth BassPure MuskegonageWhite, Black, or HybridWalleye, Sauger, or HybridCrappie (15)Pike County Conservation Area (19)Pike CountyPickneyville Lake, City of PickneyvillePerry CountyLarge or Smallmouth BassLarge or Smallmouth Bass (14)Pine CreekOgle CountyTroutPine Creek (within the boundaries of White Pines Forest State Park)Ogle CountyAll FishLarge or Smallmouth-Bass-----Bass (14)TroutPine Lake, Village of University ParkWill CountyAll FishChannel CatfishPiscataway CreekMadison CountyTroutTroutPittsfield City Lake, City of PittsfieldPike CountyAll Fish- 2 Pole and Line Fishing Only (1)(7)- 5 Fish Daily Creel Limit- 9" Minimum Length Limit- Spring Closed Season (11)- 2 Pole and Line Fishing Only (1)(7)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
Walleye, Sauger, or Hybrid
Walleye
- Pocahontas Park Pond, City of Pocahontas
Bond County
All Fish
Channel Catfish
- Powerton Lake, Powerton Lake Fish and Wildlife Area (39) t337
Traveler County
(Shall be closed to boat traffic except for legal waterfowl hunters from October 1 to February 15, and closed to all unauthorized entry during the waterfowl season 2 weeks prior to duck season until the close of waterfowl season)
- All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass (16)
Walleye, Sauger, or Hybrid
Walleye (14)
Walleye, Sauger, or Hybrid
Walleye
- Prospect Pond, City of Moline
Rock Island County
Trot
- Pyramid State Park Lakes & Ponds, Pyramid State Park
Perry County
All Fish
Channel Catfish
- Ramsey Lake, Ramsey Lake State Park
Fayette County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
- 14" Minimum Length Limit
- 17" Minimum Length Limit
- 3 $\frac{1}{2}$ Fish Daily Creel Limit
- 14" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 18" Minimum Length Limit
- 1 $\frac{1}{2}$ Fish Daily Creel Limit
- 10 Creel/3 Fish 17" or Longer Daily (17)
- 3 $\frac{1}{2}$ Fish Daily Creel Limit
- 18" 24" Minimum Length Limit
- Fall Closed Season (10)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 14" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- Randolph County Lake, Randolph County Conservation Area
Randolph County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Trout
Walleye, Sauger, or Hybrid
Walleye
- Red Hills Lake, Red Hills State Park
Lawrence County
All Fish
Channel Catfish
Large or Smallmouth Bass
- Red's Landing Wildlife Management Area (19)
Calhoun County
(Walk-in area closed to trespassing 7 days prior to duck season)
- Redwing Slough/Deer Lake (33)
Lake County
- Rend Lake, U.S. Army Corps of Engineers (22) (33)
Franklin County
Large or Smallmouth Bass
Striped, White, Yellow, or Hybrid
Striped Bass (6)
- Rend Lake Project Pond, U.S. Army Corps of Engineers
Franklin County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- Rice Lake Fish and Wildlife Area (33)
Fulton County
- Ridge Lake, Fox Ridge State Park
Coles County
(Recreational Use Restrictions - Waterfowl Refuge or Hunting Area (19))
- 10 Fish Daily Creel Limit
- 9" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 10 Creel/3 Fish 17" or Longer Daily (17)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Sand Lake, Illinois Beach State Park
Lake County

Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Trout
Trout
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

Sandy Creek Basin - Special Management Zone (river mainstem and tributaries)

Marshall County
Large or Smallmouth Bass
- Catch and Release Only Season -
No Harvest, May 1 through
June 15 (19)

Sanganois Conservation Area (33)
Mason/Cass/Schuyler/Menard Counties

Sangchris Lake, Sangchris Lake State Park
Christian/Sangamon Counties

(Posted waterfowl refuge closed to all boat traffic during waterfowl season. Bank fishing along the dam shall be permitted. Fishing shall be prohibited in the east and west arms of the lake during the period from 10 days prior to the duck season through the end of the duck season. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the goose season that follows the duck season)
All Fish
- 2 Pole and Line Fishing Only (1)
(34)
- 2 Fish <15" 4/or 1 Fish >or=15" Daily (25)

Large or Smallmouth Bass (14)

White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie

Sangchris Lake Park Ponds, Sangchris Lake State Park
Sangamon County

All Fish
- 2 Pole and Line Fishing Only (1)

Schiller Pond, Cook County Forest Preserve District
Cook County

All Fish
- 2 Pole and Line Fishing Only (1)
(36)
Channel Catfish
Large or Smallmouth Bass
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Schuyler-Rush Lake, City of Rushville
Schuyler County

Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie
- 14" Minimum Length Limit
- 9" Minimum Length Limit

Senior Citizen's Pond, Kankakee River State Park

Kankakee County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Shabbona Lake, Shabbona Lake State Park
DeKalb County

All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Charge or Smallmouth Bass (14)
Large or Smallmouth Bass
Purp Muskellunge Bass
- 14" Minimum Length Limit
- 14" Minimum Length Limit
- 48" 36" Minimum Length Limit (40)

Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)

Shawnee National Forest Lakes & Ponds less than 10 acres, U.S. Forest Service
Multiple Counties

All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Shawnee National Forest - Bay Creek Lake #5 and #8 (Sugar Creek Lake), U.S. Forest Service
Pope County

All Fish
Channel Catfish
Largemouth, Smallmouth and
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Shawnee National Forest - Dutchman Lake, U.S. Forest Service
Johnson County

All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Shawnee National Forest - Lake Glendale, U.S. Forest Service

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Pope County
All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Shawnee National Forest - Little Cache #1, U.S. Forest Service
Johnson County
All Fish
Channel Catfish
Largemouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Shawnee National Forest - Little Cedar Lake, U.S. Forest Service
Jackson County
All Fish
Channel Catfish
Largemouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Shawnee National Forest - One Horse Gap Lake, U.S. Forest Service
Pope County
All Fish
Channel Catfish
Largemouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Shawnee National Forest - Pounds Hollow Lake, U.S. Forest Service
Gallatin County
All Fish
Channel Catfish
Largemouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Shawnee National Forest - Tecumseh Lake, U.S. Forest Service
Hardin County
All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Shawnee National Forest - Turkey Bayou, U.S. Forest Service
Jackson County
All Fish
Channel Catfish
Largemouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

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- Shawnee National Forest - Whoopie Cat Lake, U.S. Forest Service
Hardin County
All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Sherman Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Siloam Springs Lake, Siloam Springs State Park
Adams County
All Fish
Channel Catfish
Largemouth or Smallmouth Bass
Trout
- 2 Pole and Line Fishing Only (1) (7)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- Fall Closed Season (10)
- Spring Closed Season (11)
- Silver Lake, DuPage County Forest Preserve District
DuPage County
All Fish
Channel Catfish
Largemouth or Smallmouth Bass
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Spring Closed Season (11)
- Silver Lake (Highland), City of Highland
Madison County
Walleye, Sauger, or Hybrid
Walleye
- 14" Minimum Length Limit
- Silver Springs S.P. (Big Lake) & Ponder, Silver Springs State Park
Kendall County
All Fish
Channel Catfish
Largemouth or Smallmouth Bass
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Fall Closed Season (10)
- Spring Closed Season (11)
- Site M Ponds #1, #2, #3, and #4, Site M Conservation Area
Cass County
All Fish
Channel Catfish
Largemouth or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

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- Skokie Lagoons, Cook County Forest Preserve District
Cook County
All Fish
- 2 Pole and Line Fishing Only (1)
 - 14" Minimum Length Limit (36)
 - 18" Minimum Length Limit
 - 19" Minimum Length Limit
- Large or Smallmouth Bass
Walleye
- Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area
Knox County
(All use other than waterfowl hunting prohibited from October 1 through the end of the goose season)
- 2 Pole and Line Fishing Only (1)
 - 10 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 36" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 5 Fish Daily Creel Limit
- Walleye (14)
Walleye, Sauger, or Hybrid
Walleye
Walleye
Crappie (15)
- Sparta City Lakes, City of Sparta
Randolph County
All Fish
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
- Channel Catfish
Large or Smallmouth Bass
- Sparta "A" Lake, City of Sparta
Randolph County
All Fish
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
- Channel Catfish
Large or Smallmouth Bass
Bass (14)
White, Black, or Hybrid
Crappie (15)
- Spring Lake, City of Macomb
Macomb County
All Fish
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 36" Minimum Length Limit
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
- Channel Catfish
Large or Smallmouth Bass

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- Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- Spring Lake, Wagon-Rochelle Park District
Ogle County
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 14" Minimum Length Limit
 - 1 Fish Daily Creel Limit
- Spring Lakes (North & South), Spring Lake Conservation Area (33)
Tazewell County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)(7)
 - 6 Fish Daily Creel Limit
 - 12-15" Slot Length Limit (3)
 - 3 Fish Daily Creel Limit
 - 48" 45" Minimum Length Limit (40)
 - 25 Fish Daily Creel Limit
 - 9" Minimum Length Limit
- Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Pure Muskellunge
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- Starved Rock State Park (19)
LaSalle County
Macoupin County
- Staunton City Lake, City of Staunton
All Fish
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
- Stephen A. Forbes State Park (19)
Marion County
- Sterling Lake, Lake County Forest Preserve District
Lake County
All Fish
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
Pure Muskellunge
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole & Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 36" Minimum Length Limit
 - 14" Minimum Length Limit

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- Storm Lake, DeKalb Park District
DeKalb County
All Fish
Channel Catfish
- Stump Lake Wildlife Management Area (13)
Jersey County
- Templer Lake, Cook County Forest Preserve District
Cook County
All Fish
- 2 Pole and Line
Fishing Only (36)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 18" Minimum Length Limit
- Walleye, Sauger, or Hybrid
Walleye
- Ten Mile Creek Lakes, Ten Mile Creek State Fish and Wildlife Area
Hamilton/Jefferson Counties (19)
(Areas designated as refuge are closed to all access during the Canada goose season)
- All Fish
Channel Catfish
Large or Smallmouth Bass
- Terry Park Pond, Village of Palmyra
Macoupin County
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- Tilton City Lake, City of Tilton
Vernon County
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- Tomahawk Lake, Moraine Hills State Park
McHenry County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- Turkey Bluff Ponds, State of Illinois
Randolph County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

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- Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- Turner Lake, Chain O'Lakes State Park
Lake County
All Fish
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
- Tuscola City Lake, City of Tuscola
Douglas County
All Fish
Channel Catfish
Large or Smallmouth Bass
- Union County Conservation Area
Union County
(All fishing and boat traffic prohibited October 15-March 1)
- Valley Lake, Wildwood Park District
Lake County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- Valmeyer Lake, City of Valmeyer
Monroe County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- Vanhorn Woods Pond, Plainfield Park District
Will County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- Vernor Lake, City of Olney
Richland County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

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- Large or Smallmouth Bass - 14" Minimum Length Limit
- Villa Grove East Lake, City of Villa Grove
Douglas County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
- Channel Catfish
- Large or Smallmouth Bass
- Villa Grove West Lake, City of Villa Grove
Douglas County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - Fall Closed Season (10)
- Channel Catfish
- Large or Smallmouth Bass
- Trout
- Virginia City Reservoir, City of Virginia
Cass County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
- Channel Catfish
- Large or Smallmouth Bass
- Trout
- Waddams Creek
Stephenson County
- Spring Closed Season (11)
- Walnut Point Lake, Walnut Point State Fish and Wildlife Area
Douglas County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass
- Walton Park Lake, City of Litchfield
Montgomery County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
- Channel Catfish
- Large or Smallmouth Bass
- Warrior Lake, Moraine Hills State Park
McHenry County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 3 Fish Daily Creel Limit
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- Washington County Lake, Washington County Conservation Area
Washington County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit

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- All Fish
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
- Channel Catfish
- Large or Smallmouth Bass
- Striped, White, or Hybrid
- Striped Bass
- Striped, White, or Hybrid
- Striped Bass (16)
- Washington Park Lagoon, Chicago Park District
Cook County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
- Washington Park Pond, Springfield Park District
Sangamon County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - Fall Closed Season (10)
 - Spring Closed Season (11)
- Channel Catfish
- Trout
- Trout
- Waverly Lake, City of Waverly
Morgan County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
- Channel Catfish
- Large or Smallmouth Bass
- Weinberg-King Pond, Weinberg-King State Park
Schuyler County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
- Weidon Springs Lake, Weidon Springs State Park
Dewitt County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- West Frankfort New City Lake, City of West Frankfort
Franklin County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
- West Frankfort Old City Lake, City of West Frankfort
Franklin County
- 2 Pole and Line Fishing Only (1)

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- Channel Catfish
West Salem Reservoir, City of West Salem
Edwards County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 6 Fish Daily Creel Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- White Hall City Lake, City of White Hall
Greene County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- White Oaks Lake, City of Bloomington
McLean County
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Wilderness Lake, Moraine Hills State Park
McHenry County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Wilderness Pond, Fox Ridge State Park
Coles County
All Fish
Bluegill or Redear
Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 1 Fish Daily Creel Limit
- William W. Powers Conservation Area (33)
Cook County
All Fish
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 14" Minimum Length Limit

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- Woodford Co. Cons. Area (Fishing Ditch), Woodford County (33)
Woodford County
All Fish
- 2 Pole and Line Fishing Only (1)
- Woodlawn Pond, Frankfort Square Park District
Will County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Wyman Lake, City of Sullivan
Montriville County
All Fish
Channel Catfish
Trout
- 2 Pole and Line Fishing Only (1)
- 2 Fish Daily Creel Limit
- Spring Closed Season (11)
- Yellow Creek
Stephenson County
Trout
- Spring Closed Season (11)
- (Source: Amended at 21 Ill. Reg. _____, effective _____)
- Section 810-50 Bait Fishing
- a) Statewide regulations.
- Legal sized cast nets, shad scoops, and minnow seines may be used to obtain shad, minnows and crayfish to use as bait, provided that they are not sold or bartered. All cast nets shall be not larger than 8 feet in diameter or of a mesh size not larger than 3/8 inch bar measurement. All shad scoops shall be not larger than 30 inches in diameter. A minnow seine shall be not longer than 4 feet in length. Minnow seines shall not be longer than 20 feet, deeper than 6 feet or contain mesh size larger than 1/2 inch bar measurement.
 - Persons possessing a valid sport fishing license or combination hunting and fishing license may not take mussel.
 - Aquatic life protected under 17 Ill. Adm. Code 1010 - Illinois List of Endangered and Threatened Fauna may not be taken for any purpose including bait fishing.
 - The use of living river hufe as bait is prohibited.
 - The use of live minnow as bait is prohibited.
 - The use of live bluegill as bait is prohibited.
 - The use of live yellow perch as bait is prohibited.
 - Site specific regulations.
- None.

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(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 810.60 Bullfrogs (Repealed)

a) Statewide Regulations:

1) Bullfrogs may be taken by hand, pole and line fishing methods, pitchfork, landing net, bow and arrow or bow and arrow device, spear or gaff. A landing net is defined as a hand-held net with no greater than 1.5-inch bar measurement netting an opening of not greater than 5 feet in diameter and a handle.

2) No person shall take bullfrogs by commercial fishing devices including hoop nets, traps or seines or by the use of firearms, airguns or gas guns.

3) The season is June 15 to August 31; both dates inclusive.

4) The daily limit is 10; the possession limit is 16; persons taking bullfrogs must have a valid sport fishing license or combination hunting and fishing license.

b) Site-Specific Regulations:

Bullfrogs may be taken in accordance with Statewide Regulations. Section 810.60 is hereby repealed on waters owned, managed or leased by the Department of Natural Resources.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 810.70 Free Fishing Days

During the period of June 7, 8, and 9, 1997 and 1998, it shall be legal for any person to fish in waters wholly or in part within the jurisdiction of the State, including the Illinois portion of Lake Michigan, without possessing a sport fishing license, or salmon stamp or inland trout stamp.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 810.90 Fishing Tournament Permit

a) A fishing tournament permit from the Department of Natural Resources is required if:

- 1) prizes are offered for tagged or marked fish and where any of the waters listed in Section 810.45 are named as a tournament site; or
- 2) The fishing event is conducted over a period of more than five (5) days during any calendar year, and prizes with a total value in excess of \$1,000 are offered, and where any of the waters listed in Section 810.45 are named as a tournament site; or
- 3) Special exemption to the daily creel and size limits is requested

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for catch, hold for weigh-in, and release tournaments for muskies (all waters) or smallmouth bass (streams only - except that the Mississippi, Ohio and Wabash Rivers are not eligible for permits which exempt participants from daily catch and size limits).

- a) Requests applications for a permit shall be made on applications provided by in-writing to the Department of Natural Resources, Division of Fisheries, at least 60 days prior to the first tournament date.
- c) Issuance or denial of a permit shall be based upon the following criteria:

- 1) The suitability of the fishery resource to absorb the tournament with minimal impact to its well-being.
- 2) The location of the tournament; catch and release management zones on streams are not eligible for permits.
- 3) The Mississippi, Wabash, and Ohio are not eligible for permits which exempt participants from daily catch and size limits for smallmouth bass.
- 4) The evaluation of the adverse impacts resulting from the additional fishing pressure generated by the tournament on the fish population and the targeted fish species. The evaluation must demonstrate minimal and short-term impacts in order for the Department of Natural Resources to issue the permit. Specific items to be considered include:

- A) biological status of the fish population, including the species sought;
 - B) number of boats and anglers participating in the tournament;
 - C) number of fishing tournaments, provisions for obtaining and tagging targeted fish species; and
 - D) safety of anglers and potential boater-user conflicts.
- 5) Demonstrates adequate provisions for holding, handling, and releasing caught fish. Specific criteria are:
- A) Tournament officials must be able to certify that all boats will be required to possess a livewell (except muskie fishing tournaments) measuring at least 18" long, 12" deep, and 12" wide and be fitted with a functioning aerator and water pump.
 - B) Tournament officials must be able to certify that each boat has a functioning livewell prior to the tournament.
 - C) Following the weigh-in, fish must be released away from the weigh-in site and as near to the spot where the catch was made as possible by means of a common release boat or vehicle, or by individual boats.
 - D) If a common release boat or vehicle is utilized, the anglers must be able to certify that the released fish are exempt from the daily creel limit. A common release boat and holding tank used to transport fish for release shall be adequate to carry a tank constructed of a suitable material (aluminum or

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fiber glass) with smooth interior walls with no obstructions to trap or injure fish. The tank must be able to hold at least one gallon of water per pound of fish, provide adequate aeration, and maintain constant desirable temperature to sustain their well-being. The tank must have operating hatches to prevent fish from jumping out of the tank and allow quick opening and closing for introduction and removal of fish. Detailed specifications on the design and use of fish holding tanks are available upon request from the Department of Natural Resources. The tank and anglers returning their catches of fish back to a release site must adhere to daily creel limits. Tournament officials must be able to certify that a common release boat is being utilized for this tournament.

- E) For catch, weigh-in, and release muskie tournaments, all boats must have a fish cradle (made from netting) to temporarily hold the muskie in the water while an official determines the length or weight of the fish prior to release. Muskie tournaments must be held on a private lake. Adequate identification of participants in fishing tournament for law enforcement purposes. Specific criteria include:
- A) Tournament officials must keep and have available on site a written record or log of daily participants (including names and boat registration numbers) for inspection by Department of Natural Resources officials.
 - B) Each participant and boat must be identified in an easily recognizable manner at a distance (such on the hat or

- e) issuance--or--denial--of--a--permit--shall--be--based--upon--the--Department--of--Natural--Resources--assessment--of--the--capability--of--the--fishery--resource--to--absorb--the--tournament--with--minimal--impact--in--determining--whether--or--not--to--hold--a--fishing--tournament--the--Department--will--estimate--the--number--of--fish--of--a--particular--species--to--be--caught--in--order--to--evaluate--the--impact--of--angling--days--per--acre--of--water--items--to--be--considered--include:

- 1) Species caught
- 2) Biological status of population--or--species--sought--the--following--parameters--will--be--considered--in--assessing--the--biological--status--or--condition--of--the--population--of--the--species--sought:
 - A) Population density
 - B) Growth rate
 - C) Age structure
 - D) Size structure, and
 - E) Recruitment
- 3) Angling effort
- 4) Projected tournament fishing pressure--which--is--the--estimated--total--number--of--angling--days--generated--by--a--tournament

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- 5) Provisions--for--obtaining--tagging--holding--handling--and/or--release--permits--shall--be--based--upon--the--Department--of--Natural--Resources--assessment--of--the--capability--of--the--fishery--resource--to--absorb--the--tournament--with--minimal--impact--in--determining--whether--or--not--to--hold--a--fishing--tournament--the--Department--will--estimate--the--number--of--fish--of--a--particular--species--to--be--caught--in--order--to--evaluate--the--impact--of--angling--days--per--acre--of--water--items--to--be--considered--include:
- 6) Species caught
- 7) Biological status of population--or--species--sought--the--following--parameters--will--be--considered--in--assessing--the--biological--status--or--condition--of--the--population--of--the--species--sought:
 - A) Population density
 - B) Growth rate
 - C) Age structure
 - D) Size structure, and
 - E) Recruitment
- 8) Angling effort
- 9) Projected tournament fishing pressure--which--is--the--estimated--total--number--of--angling--days--generated--by--a--tournament

(Source: Amended at 21 Ill. Reg. effective _____)

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- 1) **Heading of the Part:** New Activities in a Setback Zone or Regulated Recharge Area
- 2) **Code citation:** 35 Ill. Adm. Code 616
- 3) **Section numbers:**
 - 616.101 Amendment
 - 616.102 Amendment
 - 616.104 Amendment
 - 616.447 Amendment
- 4) **Statutory authority:** 415 ILCS 5/14.4, 21, 22, and 27
- 5) **A complete description of the subjects and issues involved:**

The Board's responsibility in this matter arises from the Environmental Protection Act (Act) (415 ILCS 5). The Board is charged therein to "determine, define and implement the environmental control standards applicable in the State of Illinois" (415 ILCS 5/5(b)). More generally, the Board's rulemaking charge is based on the system of checks and balances integral to Illinois environmental governance: the Board bears responsibility for the rulemaking and principal adjudicatory functions; the Agency has primary responsibility for administration of the Act and the Board's regulations, including the regulations today proposed for amendment.

A more detailed description is contained in the Board's opinion of November 21, 1996 in R96-18, which is available from the address below. The R96-18 proceeding, of which the amendments to this Part are just one segment, updates the Board's drinking water rules to incorporate several amendments proposed by the Illinois Environmental Protection Agency (Agency) in its amended petition for general rulemaking filed on September 4, 1996 and its second amended petition filed on October 16, 1996. Affected by the larger R96-18 proceeding are Parts 601, 602, 603, 607, 615, 616, 617 & 620 of Subtitle F.

The majority of the proposed amendments are of a non-substantive, "housekeeping" nature, including items such as replacing citations to Illinois Revised Statutes with citations to Illinois Compiled Statutes. The proposed amendments also contain two substantive items. The first would allow the Agency to issue construction permits notwithstanding the fact that a public water supply is on the restricted status list for a violation of the radium maximum concentration level (MCL). The second would, through revision of the authority note for the groundwater quality regulations, note that the groundwater regulations were adopted pursuant to the Act.

In particular, the amendments to Part 616 make a number of corrections and

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- updates to the text of the rules, such as converting phrases to standard usage and converting references to the current statute titles and citations.
- 6) Will these PROPOSED amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these PROPOSED amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

10) **Statement of statewide policy objectives:** This rulemaking is authorized by Sections 14, 22, and 27 of the Environmental Protection Act. The statewide policy objectives are set forth in Section 11 of that Act. Although the nature of the present amendments is intended to make corrections to and update the existing text or to relax an existing regulatory burden, this rulemaking may impose mandates on units of local government to the extent they supply drinking water to at least 25 of the same persons over 6 months per year.

11) **Time, place and manner in which interested persons may comment on this proposed rulemaking:** The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R96-18 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
312-814-6931

Direct all questions to Michael J. McCambridge at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agreman at 312-814-3620.

12) **Initial regulatory flexibility analysis:**

B) **Types of small businesses affected:** This rulemaking will affect only those small businesses that supply drinking water to at least 25 of the same persons over 6 months per year.

B) **Reporting, bookkeeping or other procedures required for compliance:** The existing drinking water rules impose significant reporting, bookkeeping, and other procedures on small businesses that supply

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drinking water to at least 25 of the same persons over 6 months per year. Although the present amendments are intended to make corrections to and update the existing text of the existing regulatory burden, this rulemaking may increase the regulatory burden on small businesses.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require small businesses that supply drinking water to at least 25 of the same persons over 6 months per year to employ the services of an attorney, engineer, public accountant, chemist and registered professional engineer. Although the present amendments are intended to make corrections to and update the existing text of the existing regulatory burden, this rulemaking may increase the regulatory burden on small businesses.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER 1: POLLUTION CONTROL BOARD

PART 616

NEW ACTIVITIES IN A SETBACK ZONE OR REGULATED RECHARGE AREA

SUBPART A: GENERAL

Purpose
Definitions
Exceptions to Prohibitions
General Exceptions

Section
616.101
616.102
616.104
616.105

SUBPART B: GROUNDWATER MONITORING REQUIREMENTS

Applicability
Compliance Period
Compliance with Groundwater Standards
Groundwater Monitoring System
Groundwater Monitoring Program
Reporting Requirements
Determining Background Values and Maximum Allowable Results ("MARS")
Continued Sampling
Preventive Notification and Preventive Response
Corrective Action Program
Alternative Corrective Action Demonstration

Section
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SUBPART C: GENERAL CLOSURE AND POST-CLOSURE REQUIREMENTS

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Certification of Closure
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Post-Closure Notice for Waste Disposal Units
Certification of Completion of Post-Closure Care
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SUBPART D: ON-SITE LANDFILLS

Applicability
Prohibitions

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SUBPART E: ON-SITE LAND TREATMENT UNITS

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SUBPART F: ON-SITE SURFACE IMPROVEMENTS

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616.441 Applicability
616.442 Prohibitions
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616.444 Design Requirements
616.445 Inspection Requirements
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SUBPART G: ON-SITE WASTE PILES

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616.461 Applicability
616.462 Prohibitions
616.463 Design and Operating Requirements
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SUBPART H: UNDERGROUND STORAGE TANKS

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616.501 Applicability
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SUBPART I: PESTICIDE STORAGE AND HANDLING UNITS

Section
616.601 Applicability
616.602 Prohibitions
616.603 Groundwater Monitoring
616.604 Design and Operating Requirements
616.605 Closure and Post-Closure Care

SUBPART J: FERTILIZER STORAGE AND HANDLING UNITS

Section
616.621 Applicability
616.622 Prohibitions
616.623 Groundwater Monitoring
616.624 Design and Operating Requirements

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616.625 Closure and Post-Closure Care

SUBPART K: ROAD OIL STORAGE AND HANDLING UNITS

Section
616.701 Applicability
616.702 Prohibitions
616.703 Groundwater Monitoring
616.704 Design and Operating Requirements for Above-Ground Storage Tanks
616.705 Closure

SUBPART L: DE-ICING AGENT STORAGE AND HANDLING UNITS

Section
616.721 Applicability
616.722 Prohibitions
616.723 Groundwater Monitoring
616.724 Design and Operating Requirements for Indoor Storage Facilities
616.725 Closure

AUTHORITY: Implementing Sections 5, 14.4, 21, and 27, and authorized by Section 27, of the Environmental Protection Act (415 ILCS 5/5, 14.4, 21, 22, 27).

SOURCE: Adopted at R89-5 at 16 Ill. Reg. 1592, effective January 10, 1992; amended in R89-14(C) at 16 Ill. Reg. 14676, effective September 11, 1992; amended in R92-20 at 17 Ill. Reg. 1878, effective January 28, 1993; amended in R96-18 at 21 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 616.101 Purpose

This Part prescribes requirements and standards for the protection of groundwaters from certain types of new facilities or units located wholly or partially within a setback zone regulated by the Act or within a regulated recharge area as delineated pursuant to Section 17.4 of the Illinois Environmental Protection Act (Act) (415 ILCS 5) (111-Rev-Stat-1989-eh-111-1/2-paras-1881-et-seq).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 616.102 Definitions

Except as stated in this Section, and unless a different meaning of a word or term is clear from the context, the definitions of words or terms in this Part shall be the same as those used in 35 Ill. Adm. Code 615.102, the Act, or the

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purposes of commercial application or for distribution to retail sales outlets; or

Stores or accumulates at any time more than 50,000 pounds of any de-icing agent; or

Is utilized for handling livestock waste or for treating domestic wastewaters other than private sewage disposal systems as defined in the Private Sewage Disposal Licensing Act [225 ILCS 275] (44th Revr-Stat-1989; Ch-111-1/27; Par-116-301-et-seq.).

(Section 3.60 of the Act)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 616.104 Exceptions to Prohibitions

a) The owner of a new potential primary source or a potential secondary source may secure a waiver from the prohibitions specified in Section 616.402(a), 616.422(a), 616.442, 616.462(a), 616.602, 616.622, 616.702 or 616.722(a) against construction or operation within the setback zone for a potable water supply well other than a community water supply. A written request for a waiver shall be made to the owner of the water well and the Agency. Such request shall include: (1) the new or proposed potential source, shall generally describe the possible effect of such potential source on the water well and any applicable technology-based controls which will be utilized to minimize the potential for contamination, and shall state whether, and under what conditions, the requestor will provide an alternative potable water supply. Waiver may be granted by the owner of the water well no less than 90 days before receipt unless prior to such time the Agency notifies the well owner that it does not concur with the request.

b) The Agency shall not concur with any such request which fails to accurately describe reasonably foreseeable effects of the potential source or potential route upon the water well or any applicable technology-based controls. Such notification by the Agency shall be in writing, and shall include a statement of reasons for the nonconcurrence. Waiver of the minimum setback zone shall extinguish the water well owner's rights under Section 6b of the Illinois Water Well Construction Code but shall not preclude enforcement of any law regarding water pollution. If the owner of the water well has not granted a waiver within 120 days after receipt of the request or the Agency has notified the owner that it does not concur with the request, the owner of a potential source or potential route may file a petition for an exception with the Board and the Agency pursuant to subsection (b) of this Section. (Section 14.2(b) of the Act)

c) No waiver under this Section is required where the potable water

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supply well is part of a private water system as defined in the Illinois Groundwater Protection Act, and the owner of such well will also be the owner of a new potential secondary source or a potential route. In such instances, a prohibition of 75 feet shall apply and the owner shall notify the Agency of the intended action so that the Agency may provide information regarding the potential hazards associated with location of a potential secondary source or potential route in close proximity to a potable water supply well. (Section 14.2(b) of the Act)

d) The Board may grant an exception from the setback requirements of this Section and Section 14.3 to the owner of a new potential primary source other than landfilling or land treating, or a new potential secondary source. The owner seeking an exception with respect to a community water supply well shall file a petition with the Board and the Agency. The owner seeking an exception with respect to a potable water supply well shall file a petition with the Board and the Agency, and set forth therein the circumstances under which a waiver has been sought but not obtained pursuant to subsection (a) of this Section. A petition shall be accompanied by proof that the owner of such potable water supply well for which setback requirements would be affected by the requested exception has been notified and such facts as may be required to support an exception, including a general description of the potential effects of such potential source or potential route upon the water well and the affected water well, and an explanation of the applicable technology-based controls which will be utilized to minimize the potential for contamination of the potable water supply well. (Section 14.2(c) of the Act)

e) The Board shall grant an exception, whenever it is found upon presentation of adequate proof, that compliance with the setback requirements of this Section would pose an arbitrary and unreasonable hardship upon the petitioner, that the petitioner will utilize the best available technology controls economically achievable to minimize the likelihood of contamination of the potable water supply well, that the maximum feasible alternative setback will be utilized, and that the location of such potential source or potential route will not constitute a significant hazard to the potable water supply well. (Section 14.2(c) of the Act)

f) A decision made by the Board pursuant to this subsection shall constitute a final determination. (Section 14.2(c) of the Act)

g) The granting of an exception by the Board shall not extinguish the water well owner's rights under Section 6b of the Illinois Water Well Construction Code in instances where the owner has elected not to provide a waiver pursuant to subsection (a) of this Section. (Section 14.2(c) 44th et of the Act)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD
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SUBPART F: ON-SITE SURFACE IMPROVEMENTS

Section Subpart 616.447 Closure and Post-Closure Care

- a) If closure is to be by removal, the owner or operator shall remove all waste, all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils and structures and equipment contaminated with waste and leachate; and, if disposed on the State of Illinois, dispose of them at a disposal site permitted by the Agency under the Illinois Pollution Control Act.
- b) If closure is to be by removal, the owner or operator shall comply with the requirements of Subpart C and shall:
- 1) Eliminate free liquids by removing liquid wastes or solidifying the remaining wastes and waste residues.
 - 2) Stabilize remaining wastes to a bearing capacity sufficient to support final cover.
 - 3) Cover the surface impoundment unit with a final cover designed and constructed to:
- A) Provide for the minimization of the migration of liquids from the closed impoundment unit;
 - B) Function with minimum maintenance;
 - C) Promote drainage and minimize erosion or abrasion of the final cover;
 - D) Accommodate settling and subsidence so that the cover's integrity is maintained; and
 - E) Have a permeability less than or equal to the permeability of any bottom liner.
- c) If some waste residues or contaminated materials are left in place at final closure, the owner or operator shall comply with the requirements of Subpart C and shall for a period of 5 years after closure:
- 1) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion or other events;
 - 2) Maintain and monitor the ground surface and
 - 3) Prevent run-on and runoff from eroding or otherwise damaging the final cover.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Sections: 120.372
Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ICS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: Amendments were adopted on December 9, 1996, to implement several budgeting changes in the MANS budgeting process. One of the adopted changes involved the averaging of income of self-employed persons for the purpose of determining the amount of income of self-employed persons over the determined amount. This change was not implemented. Since the problems with implementation of this change were discovered after the proposed changes were reviewed by the Joint Committee on Administrative Rules, the change could not be deleted from the rulemaking. Therefore, these amendments are being proposed to delete the provisions on averaging income of self-employed persons.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or argument concerning the proposed rulemaking. All comments must be in writing and should be addressed to
Judy Umunn
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62762

Sections Proposed Action Illinois Register Citation

120.379 Amendment August 23, 1996 (20 Ill. Reg. 11472)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1

Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

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Eligibility For Medical Assistance
Eligibility For Medical Assistance For Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy (MANG(P) Program)
Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women
MANG(MAND) Income Standard
MANG(CH) Income Standard
MANG(P) Income Standard
Exceptions To Use of MANG Income Standard
AMI Income Standard (Repealed)

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SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

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All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy
Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABO) and All Other Licensed Medical Facilities
Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643
Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy (MANG(P) Program)
Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

DEPARTMENT OF PUBLIC AID

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Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
Eligibility for Medicare Cost Sharing as a Qualified Medicare
Beneficiary (QMB)
Specific Low-Income Medicare Part B Premiums as a
Qualified Medicare Beneficiary (SLIB)
Qualified Medicare Beneficiary (QMB) Income Standard
Specific Low-Income Medicare Beneficiary (SLIB) Income Standard
Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
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Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

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Migrant Medical Program
Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

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Elimination of Aid to the Medically Indigent
Client Cooperation (Repealed)
Citizenship (Repealed)
Residence (Repealed)
Relationship (Repealed)
Living Arrangement (Repealed)
Supplemental Payments (Repealed)
Institutional Status (Repealed)
Foster Care Program (Repealed)
Social Security Numbers (Repealed)
Event Unearned Income (Repealed)
Education Benefits (Repealed)
Unearned Income (Repealed)
Unearned Income In-Kind (Repealed)
Lump Sum Payments and Income Tax Refunds (Repealed)
Protected Income (Repealed)
Earned Income (Repealed)
Budgeting Earned Income (Repealed)
Unemployment Benefits (Repealed)
Second Employment Expenses (Repealed)
Income From Work/Study/Training Program (Repealed)
Earned Income From Self-Employment (Repealed)

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Earned Income From Roomer and Boarder (Repealed)
Earned Income In-Kind (Repealed)
Payments from the Illinois Department of Children and Family Services
(Repealed)
Assets (Repealed)
Exempt Assets (Repealed)
Asset Disregards (Repealed)
Benefit of Consideration of Assets (Repealed)
Property Transfers (Repealed)
Persons Who May Be Included in the Assistance Unit (Repealed)
Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

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DEPARTMENT OF PUBLIC AID

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- e) To determine the amount of self-employment income to be considered the verified income from the previous calendar year is divided into 12 monthly amounts. The income from the previous year is considered unless:
- 1) the person was not self-employed in the previous calendar year
 - 2) the person is no longer self-employed
 - 3) the person has valid reasons to anticipate that the income expected to be received during the current calendar year will be in a different amount;

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: 140.463
Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

Complete Description of the Subjects and Issues Involved: These proposed amendments provide transitional payments for Federally Qualified Health Centers (FQHC) and certain encounter rate clinics for managing the health care needs of some clients under their care.

These changes concerning reimbursement for clinic services are a component of the Department's plan to ensure that access to health care is maintained and enhanced during this transition period to managed care under Medicaid Plus. It is expected that these new transitional payments will assist clinics in managing the health care of certain clients, maintain viability of providers that are critical to the delivery of primary care services to the Medicaid population, and encourage participation by providers in Medicaid Plus.

It is anticipated that transitional payments to clinics under these proposed amendments will result in an increase in expenditures of approximately \$1.5 million for fiscal year 1997.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes
Sections Proposed Action Illinois Register Citation
140.369 Amendment July 20, 1996 (20 Ill. Reg. 9810)
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:
Joanne Jones

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Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Ave. E., 3rd Floor
 Springfield, Illinois 62762
 Phone: (217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

Any interested persons may review these amendments at the Department of Public Aid's local offices located in each county (except Cook County). The amendments are available for review at the Department of Public Aid, Director, Illinois Department of Public Aid, 310 South Michigan Avenue, Suite 1700, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 A.M. until 5:00 P.M. These copies of the amendments are being made available for review in accordance with federal requirements at 42 CFR 447.205.

These proposed amendments may have an impact on small businesses, small corporations, and not-for-profit organizations. Sections 1-75, 1-80, and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: July 1996

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

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140.1	Incorporation By Reference
140.2	Medical Assistance Programs
140.3	Covered Services Under Medical Assistance Programs
140.4	Covered Medical Services Under AFPC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5	Covered Medical Services Under General Assistance
140.6	Medical Services Not Covered
140.7	Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFPC and Children Under Age Eight
140.8	Medical Assistance For a Pregnant Woman Who Would Not Be Categorically Eligible for AFPC/AFPC-MANG if the Child were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10	Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section	
140.11	Enrollment Conditions for Medical Providers
140.12	Participation Requirements for Medical Providers
140.13	Definitions
140.14	Denial of Application to Participate in the Medical Assistance Program
140.15	Recovery of Money
140.16	Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
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140.21	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22	Significant Findings
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited

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140.27	Assignment of Vendor Payments
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140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice
140.72	Voucher Advance Payment and Expedited Payments
140.73	Drug Manual (Recordified)

SUBPART C: PROVIDER ASSESSMENTS

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140.80	Hospital Provider Fund
140.82	Developmentally Disabled Care Provider Fund
140.84	Long Term Care Provider Fund
140.94	Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Special Requirements (Recordified)
140.96	General Requirements (Recordified)
140.97	Special Requirements (Recordified)
140.98	Covered Hospital Services (Recordified)
140.99	Hospital Services Not Covered (Recordified)
140.100	Limitation On Hospital Services (Recordified)
140.101	Transplants (Recordified)
140.102	Heart Transplants (Recordified)
140.103	Liver Transplants (Recordified)
140.104	Bone Marrow Transplants (Recordified)
140.110	Disproportionate Share Hospitals Adjustments (Recordified)
140.111	Payment for Inpatient Services for GA (Recordified)
140.117	Hospital Outpatient and Clinic Services (Recordified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recordified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recordified)
140.203	Limits on Length of Stay by Diagnosis (Recordified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in Outpatient (Recordified)
140.350	Copayments (Recordified)
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140.361 Non-Participating Hospitals (Recodified)
 140.362 Pre July 1, 1989 Services (Recodified)
 140.363 Post June 30, 1989 Services (Recodified)
 140.364 Prepayment Review (Recodified)
 140.365 Base Year Costs (Recodified)
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 140.367 Inflation Adjustment (Recodified)
 140.368 Volume Adjustment (Repealed)
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 140.370 Rate Calculation (Recodified)
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 140.372 Review Procedure (Recodified)
 140.373 Utilization (Repealed)
 140.374 Alternatives (Recodified)
 140.375 Payment (Recodified)
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
 140.390 Substance Alcoholism and Substance Abuse Services (Recodified)
 140.391 Definitions (Recodified)
 140.392 Types of Substance Alcoholism and Substance Abuse Services (Recodified)
 140.394 Payment for Substance Alcoholism and Substance Abuse Services (Recodified)
 140.396 Recodified for Substance Alcoholism and Substance Abuse Services (Recodified)
 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

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 140.465 Speech and Hearing Clinics (Repealed)
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 140.649 Effective Dates of Reimbursement for Developmental Training (DT)
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 140.650 Certification of Developmental Training (DT) Programs
 140.651 Certification of Day Programs
 140.652 Terms of Assurances and Contracts
 140.652 Effective Date of Payment Rate
 140.700 Discharge of Long Term Care Residents
 140.830 Appeals of Rate Determinations
 140.830 Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: MEDICAL PARTNERSHIP PROGRAM

Section
 140.850 General Description (Repealed)
 140.855 Definition of Terms (Repealed)
 140.855 Covered Services (Repealed)
 140.860 Sponsor Qualifications (Repealed)
 140.865 Sponsor Responsibilities (Repealed)
 140.875 Department Responsibilities (Repealed)
 140.875 Provider Qualifications (Repealed)
 140.880 Payment Methodology (Repealed)
 140.890 Contract Monitoring (Repealed)
 140.895 Reimbursement For Program Costs (Active Treatment) For Clients In
 140.895 Long Term Care Facilities For the Developmentally Disabled
 (Repealed)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section
 140.900 Reimbursement for Nursing Costs For Geriatric Residents in Group Care
 140.900 Facilities (Repealed)
 140.901 Functional Areas of Needs (Repealed)
 140.902 Service Needs (Repealed)
 140.903 Definitions (Repealed)

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140.904 Times and Staff Levels (Repealed)
 140.905 Statewide Rates (Repealed)
 140.906 Reconsiderations (Repealed)
 140.906 Midnight Census Report (Repealed)
 140.906 Statewide Rates (Repealed)
 140.909 Statewide Rates (Repealed)
 140.910 Referrals (Repealed)
 140.911 Basic Rehabilitation Aide Training Program (Repealed)
 140.912 Interim Nursing Rates (Repealed)
 140.920 General Description
 140.922 Covered Services
 140.924 Maternal and Child Health Provider Participation Requirements
 140.926 Client Eligibility (Repealed)
 140.926 Client Enrollment and Program Components (Repealed)
 140.930 Payment Authorization for Referrals (Repealed)
 140.932

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT
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Section
 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program
 140.942 (Repealed)
 140.942 Definition of Terms (Repealed)
 140.944 Notification of Negotiations in ICARE Program (Repealed)
 140.946 Hospital Participation in ICARE Program Negotiations (Repealed)
 140.948 Negotiation Procedures (Repealed)
 140.950 Factors Considered in Awarding ICARE Contracts (Repealed)
 140.952 Closing an ICARE Area (Repealed)
 140.954 Administrative Review (Repealed)
 140.956 Payments to Contracting Hospitals (Repealed)
 140.958 Admitting and Clinical Privileges (Repealed)
 140.960 Eligible for Payment (Repealed)
 140.962 Payment to Hospitals for Inpatient Services or Care not Provided
 under the ICARE Program (Repealed)
 140.964 Contract Monitoring (Repealed)
 140.966 Transfer of Recipients (Repealed)
 140.968 Validity of Contracts (Repealed)
 140.970 Termination of ICARE Contracts (Repealed)
 140.972 Hospital Services Procurement Advisory Board (Repealed)

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 Schedule of Dental Procedures
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at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17079, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 11, 1988; amended at 12 Ill. Reg. 19825, effective January 1, 1989; amended at 13 Ill. Reg. 20767, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.10 at 13 Ill. Reg. 12181; amended at 13 Ill. Reg. 12382, effective July 17, 1989; amended at 13 Ill. Reg. 13391, effective September 1, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2364, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6414, effective April 7, 1990; emergency amendment at 14 Ill. Reg. 7249, effective May 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 12362, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990;

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amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 13155, effective July 25, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 13219, effective August 22, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11177, effective June 26, 1992; expedited correction at 16 Ill. Reg. 118, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 17, 1993; amended at 17 Ill. Reg. 6196, effective April 17, 1993; amended at 17 Ill. Reg. 6393, effective April 21, 1993; expedited correction at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 11201, effective December 1, 1993; for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment

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repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 19, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2333, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5683, effective April 19, 1995; amended at 19 Ill. Reg. 6043, effective June 5, 1995; amended at 19 Ill. Reg. 8455, effective June 5, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 5999, amended at 20 Ill. Reg. 9087, effective May 6, 1996; amended at 20 Ill. Reg. 9222, effective May 31, 1996; amended at 20 Ill. Reg. 9367, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 10362, effective June 5, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; amended at 21 Ill. Reg. 1311, effective November 1, 1996.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.463 Clinic Service Payment

- a) Hospital-Based Organized Clinics
 - 1) With respect to those hospital-based organized clinics that qualify as Maternal and Child Health clinics, as described in Section 140.461(f)(1), payment shall be in accordance with Section 140.930.
 - 2) With respect to all other hospital-based organized clinics, payment shall be in accordance with § 11. Admin. Code 148.140.
- b) Encounter Rate Clinic. Payment shall be made at the lesser of:
 - 1) The clinic's approved all inclusive interim per encounter rate as determined by the State.
 - 2) \$50.00 per encounter; or
 - 3) The clinic charge to the general public.
- c) Federally Qualified Health Centers (FQHC).

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- 1) Medical Encounter Rate
a) Payment for services rendered after March 31, 1990, shall be made at an individual, all inclusive, prospective per diem rate calculated on the basis of the Department's encounter rate methodology and audited provider fiscal information reported on the Medicaid Freestanding Federally-Funded Health Center Worksheet (Health Care Financing Administration Form 242), as supplemented by FQHC Medical Supplemental Schedules A, B and C reflecting the actual costs of delivering encounter services as listed in Section 140.462(d)(2).
- 2) All cost reports will be audited by the Department to determine allowable costs for rate setting. The provider will be advised of any adjustments resulting from these audits.
- 3) New rates effective each July 1 will be based on certified cost information from the provider's most recently audited fiscal year.
- 4) Allowable costs will be updated to the midpoint of the rate by an inflation factor derived from published economic indicators.
- 5) Interim payment for covered services rendered by FQHCs are enrolled as of March 31, 1990, for which no audited costs are available shall be made at the individual FQHC rate in effect on March 31, 1990, as established by the Department.
- 6) Interim payment for covered services rendered by FQHCs enrolled between March 31, 1990 and January 1, 1991, shall be made at the higher of:
 - i) the provider's approved Medicare rate established by the designated federal intermediary for Rural Health Center or Federally Funded Health Center Services; or
 - ii) the 75th percentile of the statewide range of the Department's established encounter clinic rates (as defined in subsection (a) above) as of March 31, 1990.
- 7) Payment shall be made at the interim rate to FQHCs enrolled before January 1, 1991, for covered services rendered from the later of the date of enrollment or April 1, 1990, until the certified date of provider receipt of the cost-based rate established by the Department for that provider.
- 8) When an individual cost-based rate has been established by the Department in accordance with the method described in subsection (c)(1)(A) above, the Department shall reconcile interim payments made for covered services 1990, will only apply to clinics enrolled as of March 31, 1990, which submit an application to the Public Health Service for Federally Qualified Health Center status by November 1, 1990, and are subsequently designated as Federally

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- ii) if the cost-based rate is higher than the interim rate, the Department shall pay the provider the rate differential for each claim paid at the interim rate.
- iii) if the cost-based rate is lower than the interim rate, the provider shall refund to the Department the rate differential for each claim paid at the interim rate, either by direct payment to the Department or as a credit applied against future service claims.
- I) Interim payment for covered services rendered by FQHCs enrolled on or after January 1, 1991, shall be made at the higher of:
- the provider's approved Medicare rate established by the designated Federal intermediary for Rural Health Centers and Federally Funded Health Centers Services; or
 - the median of the statewide range of the Department's established cost-based FQHC rates in effect at the time of enrollment.
- J) Payment shall be made at the interim rate for Centers enrolled on or after January 1, 1991, for covered services rendered on or after January 1, 1991, and 30 days after the date of payment receipt of the completed and correct cost report of the provider. Payment for covered medical services rendered by the provider 30 days after Department receipt of the provider's complete and correct cost report will be made at the rate determined on the basis of the submitted cost report and the Department's FQHC rate methodology.
- K) If the FQHC has not submitted the required audited fiscal information on the forms specified in subsection (c)(1)(A) of this Section within 90 days of the certified date of receipt of the cost report, the Department shall suspend payment for covered medical services until the required audited fiscal information is received by the Department, unless the enrolled Center has been in operation less than one year and has no audited cost history.
- L) Enrolled FQHCs which have been in operation less than one year and have no audited cost history must submit required audited fiscal information reflecting the first six months of operation on the forms specified in subsection (c)(1)(A) of this Section, within 90 days after the later of the end of the sixth month of operation or the certified mail date of receipt of the forms. The rate calculated from these audited cost reports shall be rendered on and after the first day of the month following the receipt of the required fiscal information by the Department.
- M) The Department will not process a claim for payment of FQHC

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- services rendered after June 30, 1990, that does not indicate all individual medical services delivered during the encounter, by procedure code.
- 2) Dental Encounter Rate
- A) Payment for dental services rendered after March 31, 1990, shall be made at an individual, all inclusive, prospective per diem rate calculated on the basis of the Department's encounter rate methodology and audited provider fiscal information reported on the Medicaid Pre-Rendering Statement Form 2020, as required by the Department of Public Health, Financing Administration Form 2421, as supplemented by FQHC Medicaid supplemental Schedules A, B, and C reflecting the actual costs of delivering dental services.
- B) Direct costs related to operation of the clinic in order to provide allowable dental services will be reported on the cost report and used in the rate calculation process.
- C) All cost reports will be audited by the Department to determine allowable costs for rate setting. The provider will be advised of any adjustments resulting from these audits.
- D) Cost rates effective each July 1 will be based on certified cost information from the provider's most recently audited fiscal year.
- E) Allowable costs will be updated to the mid point of the rate year by an inflation factor derived from published economic indices.
- F) Payment for covered dental services shall be made by the Department's prepaid dental service contractor.
- G) When an individual cost-based rate has been established by the Department in accordance with the method described in subsection (c)(2)(A) above, the Department's prepaid dental service contractor shall reconcile interim payments made for covered dental services to the actual rates as follows:
- Rate retroactivity will only apply to clinics enrolled as of March 31, 1990 which submit an application to the Public Health Service for Federally Qualified Health Center status by November 1, 1990, and are subsequently designated as federally qualified.
 - If the cost-based rate is higher than the interim rate, the Department's prepaid dental service contractor shall pay the provider the rate differential for each claim paid at the interim rate.
 - If the cost-based rate is lower than the interim rate, the provider shall refund to the Department the rate differential for each claim paid at the interim rate.
- H) Interim payment for covered dental services rendered by FQHCs enrolled on or after January 1, 1991 shall be made at the median of the statewide range of the Department's

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established cost-based FQHC dental rates in effect at the time of enrollment.

- i) Payment shall be made at the interim rate for Centers enrolled on or after January 1, 1991, for covered dental services rendered between the date of enrollment and 30 days after the date of the Department receipt of the complete and correct cost report of the provider. Payment for covered dental services rendered by the provider after 30 days of Department receipt of the provider's complete and correct cost report will be made at the rate determined on the basis of the submitted and audited FQHC rate.
- j) If the FQHC has not submitted the required audited fiscal information on the forms specified in subsection (c)(2)(A) above within 90 days of the certified mail date of receipt of the forms, the Department's prepaid dental service contractor shall suspend payment for covered dental services until the required information is received by the Department, unless the enrolled Center has been in operation less than one year and has no audited cost history.
- k) Enrolled FQHCs which have been in operation less than one year and have no audited cost history must submit required audited fiscal information reflecting the first six months of operation on the forms specified in subsection (c)(2)(A) within 90 days after the later of the end of the sixth month of operation or the certified date of receipt of the forms. The rate calculated from these costs will be in effect for dental services rendered on and after the first day of the following month of receipt of the required fiscal information by the Department.

3) Rate Appeals Process

- A) All appeals of audit adjustments or rate determinations must be submitted in writing to the Department. Appeals submitted within 30 calendar days of the rate notification, if upheld, shall be made effective as of the beginning of the rate year. The effective date of all other upheld appeals shall be the first day of the month following the date the completed appeal was submitted. Appeals for any rate year must be filed before the close of the rate year.
- B) To be accepted for review, the written appeal shall include:
 - i) The current approved reimbursement rate, allowable costs, and the additional reimbursable costs sought through the appeal;
 - ii) A clear, concise statement of the basis for the appeal;
 - iii) A detailed statement of financial, statistical, and other information in support of the appeal, including the relationship between the additional reimbursable costs as submitted and the circumstances

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creating the need for increased reimbursement;
A citation to any mandated or contractual requirement pertinent to the appeal; and

- v) A statement by the provider's chief executive officer or financial officer that the application of the rate appeal and information contained in the vendor's reports, schedules, budgets, books, and records submitted are true and accurate.
- C) Rate appeals may be considered for the following reasons:
 - i) Mechanical or clerical errors committed by the provider in estimating allowable expenses used in the calculation of allowable costs.
 - ii) Mechanical or clerical errors committed by the Department in auditing historical expenses as reported and/or in calculating reimbursement rates.
 - iii) The Department and the provider have entered into a written agreement to amend, alter, or modify substantive programmatic or management procedures attendant to the delivery of services, which have a substantial impact upon the costs of service delivery.
 - iv) Substantial treatment service charges are required as a result of mandated regulatory charges.
 - v) Substantial changes in the physical plant are required as a result of mandated licensure requirements. In such instances, the provider must submit a plan of corrections for capital improvements approved by the licensing authority, along with the required cost information. If the provider and the Department have agreed to Federal regulatory requirements have requested a substantial increase in allowable costs.
 - D) The Department shall rule on all appeals within 120 calendar days of receipt of the appeal except that, if additional information is required from the facility, the period shall be extended until such time as the information is provided.
 - E) Appeals shall be submitted to the Department's Bureau of Comprehensive Health Services, 3rd floor Bloom Building, 201 South Grand Avenue East, Springfield, Illinois 62763.
 - d) Maternal and Child Health Clinics. Payment shall be made in accordance with Section 140-930.
 - e) Transitional Payments for FQHCs and Certain Encounter Rate Clinics
i) Certain clinics will be eligible to receive monthly transitional payments for managing the health care needs of certain clients under their care beginning December 1996. Certain clinics will be eligible to receive transitional payments for the month of December 1996, and monthly thereafter, under the conditions described in this subsection. To receive monthly transitional payments, clinics must:
 - A) be eligible.

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- 1) a Federally Qualified Health Center, as defined in Section 140.462(d), or
- ii) an Encounter Rate Clinic, as defined in Section 140.462(b), that has provided comprehensive health services to Medicaid clients prior to December 1996.
- B) have a signed transitional payment contract with the Department.
- C) have a contract with a Health Maintenance Organization (HMO) or Prepaid Health Plan (PHP) that has a contract to provide comprehensive health services, or, upon the implementation of Medicaid Plus, have a contract with a Managed Care Entity (MCE).
- 2) Transitional payments to a clinic will consist of a per member per month payment for any Illinois Medicaid client enrolled with a HMO or PHP or, upon the implementation of Medicaid Plus, a MCE, for whom the clinic was their assigned care provider on the last day of the month.
- 3) The first 12 months covered under a transitional payment contract, the Department will make transitional payments for a number of Medicaid clients enrolled with a HMO, PHP or MCE and assigned to the qualifying clinic as their primary care site. Thereafter, qualifying clinics will receive transitional payments for a given month only if the total number of Medicaid clients enrolled with a HMO, PHP or MCE and assigned to the qualifying clinic, meets or exceeds the following threshold levels established in the qualifying clinic's transitional payment contract for that month:
 - A) For the seventh through twelfth month, such threshold shall equal 20 percent of the qualifying clinic's Medicaid patient base.
 - B) For the thirteenth through eighteenth month, such threshold shall equal 30 percent of the qualifying clinic's Medicaid patient base.
 - C) For the nineteenth through twenty-fourth month, such threshold shall equal 40 percent of the qualifying clinic's Medicaid patient base.
 - D) For the twenty-fifth month through the term of the contract, such threshold shall equal 50 percent of the qualifying clinic's Medicaid patient base.
- 4) The Medicaid patient base shall be a number mutually agreed to by the qualifying clinic, the Department and established in the transitional payment contract that equals the number of Medicaid clients registered as patients of the qualifying clinic as of November 1996.
- 5) Transitional payments shall equal:
 - A) eight dollars per member per month for the first 12-month period of the clinic's effective date of a contract with the Department;

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- B) six dollars per member per month for the second 12-month period of the clinic's effective date of a contract with the Department;
- C) two dollars per member per month for the third 12-month period of the clinic's effective date of a contract with the Department.
- 6) Total transitional payments under subsection (e) shall not exceed:
 - A) 22,625,000 through June 30, 1997;
 - B) \$4,500,000 for each 12-month period thereafter that begins on July 1 and ends on June 30 of the following year.
- 7) In the event that payments exceed the limits described in subsection (e)(6) above, the Department will adjust future payments to clinics to recover any excess payment.
- 8) No clinic qualifying under subsection (e) shall receive transitional payments beyond the earlier of:
 - A) three years from the effective date of a clinic's signed contract with the Department;
 - B) June 30, 2000.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Animal Diagnostic Laboratory Act

2) Code Citation: 8 Ill. Adm. Code 110

3) Section Numbers:
110.90 Adopted Action:
110.120 Amendment

4) Statutory Authority: Animal Disease Laboratory Act (510 ILCS 10)

5) Effective Date of amendments: January 1, 1997

6) Does this rulemaking contain an automatic renewal date? No

7) Does this proposed amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 17, 1996

9) Notices of Proposal Published in Illinois Register: July 12, 1996, 20 Ill. Reg. 8746

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between Proposal and final version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A

13) Will this amendment replace an emergency amendment in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of amendments: The fees for toxoplasmosis and vesicular stomatitis in Section 110.90 have lower fees added for multiple samples. The fee for reporting results by facsimile in Section 110.120 are eliminated.

16) Information and questions regarding this adopted amendment shall be directed to:

Debbie Wakefield
Illinois Department of Agriculture
State Fairgrounds
Springfield, IL 62794-9281
217/785-5713
Facsimile: 217/785-4505

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE
NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 110
ANIMAL DIAGNOSTIC LABORATORY ACT

Section	Definitions
110.10	Submitting Specimens
110.20	Payment For Laboratory Services
110.40	Tests Not Covered By Fee Schedule
110.50	Minimum Fees
110.60	Illinois Fees
110.70	Illinois Technology Fees
110.80	Histopathology Fees
110.90	Microbiology Fees
110.100	Toxicology Fees
110.110	Miscellaneous Fees
110.120	Meats Chemistry Fees
110.130	Liquor Control Commission Fees
110.140	

AUTHORITY: Implementing and authorized by the Animal Disease Laboratory Act [510 ILCS 10].

SOURCE: Adopted and codified at 8 Ill. Reg. 9047, effective July 1, 1984; amended at 9 Ill. Reg. 4471, effective March 22, 1985; amended at 9 Ill. Reg. 19639, effective January 1, 1986; amended at 10 Ill. Reg. 9713, effective May 21, 1986; amended at 11 Ill. Reg. 10163, effective May 15, 1987; amended at 12 Ill. Reg. 3115, effective January 25, 1988; amended at 13 Ill. Reg. 361, effective January 15, 1989; amended at 14 Ill. Reg. 3416, effective March 19, 1990; amended at 15 Ill. Reg. 3416, effective March 19, 1990; amended at 16 Ill. Reg. 15304, effective September 10, 1990; amended at 16 Ill. Reg. 11416, effective July 1, 1992; amended at 18 Ill. Reg. 1825, effective February 1, 1994; amended at 18 Ill. Reg. 17433, effective December 1, 1994; amended at 20 Ill. Reg. 255, effective January 1, 1996; amended at 20 Ill. Reg. 16176, effective JAN 01 1997.

Section 110.90 Microbiology Fees

The following are the fees for microbiology:

- a) Bacteriology, Mycoplasma and Fungi
 - 1) Aerobic or anaerobic culture without sensitivity testing..... 10.00 C, C
 - 2) Aerobic culture with sensitivity testing..... 15.00 C, C
 - 3) Clostridium perfringens serotyping..... 5.00 C

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- 4) Milk samples for mastitis evaluation
1-4 additional specimens, each at)..... 15.00 C, G
5-10 additional specimens, each at)..... 2.00 C, G
1-10 specimens, each..... 2.00 C
(additional specimens, each at)..... 1.00 C
- 5) Leptospirosis-6 serotypes
Microtiter test-per specimen..... 2.00 C, G
Canine brucellosis-per specimen..... 5.00 C, G, S
7) Fluorescent Antibody Test (FA)..... 10.00 C, G
8) Escherichia coli serotyping..... 3.00 C
9) Campylobacter (culture)..... 4.00 C
10) Salmonella isolation using enrichment media..... 5.00 C, G
11) Salmonella isolation using enrichment media..... 3.00 C, G
12) Naal Sober-Bordetella..... 2.00 C, G
13) Listeria (culture)..... 4.00 C, G
14) Haemophilus equigenitalis (CEM)..... 4.00 C, G
15) Spirochetes (swine dysentery-Treponema sp.)..... 3.00 C, G
16) Johne's Bacillus (first specimen)..... 7.00 C, G
(each additional specimen)..... 4.00 C, G
17) Prepare and Supply Transport Media (per tube)..... 1.00 C, G
18) Return culture for bacterin production per organism..... 2.00 C, G
19) Mycology Testing..... 5.00 C, G
20) Mycology Testing..... 6.00 C, G
21) Mycoplasma Testing..... 6.00 C, G
22) E. Coli or Metritis (1-4 specimens)..... 15.00 C, G
(each additional specimen)..... 2.00 C, G
23) Trichomonas transport media..... 4.00 C, G
- b) Virology
1) Electron Microscopy-fecal..... 15.00 C
2) Pseudorabies Serology (positive or negative), no charge C, G
Pseudorabies Serology Out-of-State..... 3.00 C, G
Pseudorabies Serology (positive or negative) and end titer..... 3.00 C, G
Pseudorabies Serology (request for screen at dilution of 1:2)..... 3.00 C, G
3) Fluorescent Antibody Test (each disease)..... 10.00 C, G
4) Rabies..... 5.00 C, G
5) Virus Isolation in Cell Culture (1 specimen)..... 15.00 C, G
(each additional specimen)..... 10.00 C, G
6) Viral Serology (each disease) (1-5 specimens, each)..... 3.00 C, G
(each additional specimen)..... 1.00 C, G
7) Feline Leukemia Virus..... 10.00 C
8) Feline Infectious Peritonitis (F.I.P.)..... 5.00 C

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- 9) Canine parvo-virus (ELISA) fecal..... 5.00 C, G
10) Canine parvo-virus serum..... 5.00 C
11) Canine distemper on serum..... 5.00 C
12) Rotavirus on fecal..... 10.00 C
13) Seren testing (expt)..... 10.00 C
14) Seren testing (8 serotypes)..... 15.00 C
15) FELV-FELT..... 15.00 C
16) Porcine fetal fluid IgG..... 3.00 C
17) Feline lentivirus (FeLV)..... 10.00 C
18) Encephalomyocarditis (1-5 specimens, each)..... 3.00 C, G
(Each additional specimen)..... 1.00 C, G
PRRS end titer..... 2.00 C
PRRS (screening 1:20)..... 4.00 C, G
c) Chlamydia isolation in Cell Culture..... 15.00 C, G
d) Miscellaneous serology (1-5 specimens, each)..... 5.00 C
1) (Each additional sample)..... 2.50 C
2) EIA-ACID..... 2.50 C
3) Mare Immunological Pregnancy Test (35-60 days post-service)..... 15.00 C
4) Aleutian Disease-Mink (immuno-electrophoresis)..... .20 S
5) Out-of-State brucellosis serology..... .50 C, G, S
6) Brucellosis testing other than bovine, porcine and canine..... 3.00 C, G, S
7) Bluetongue (1-5 specimens, each)..... 3.00 C
8) Each additional specimen..... 1.00 C
9) Bacteroides BACID (1-5 specimens, each)..... 3.00 C, S
(Each additional specimen)..... 1.00 C, S
10) Vesicular stomatitis (1-5 samples, each)..... 3.00 C
(Each additional sample)..... 2.00 C
11) Complement Fixation Serology (1-5 specimens, each)..... 3.00 C
(Each additional specimen)..... 1.00 C
Note: The Complement Fixation Serology tests include testing for anaplasmosis, and chlamydia.
- (Source: Amended at 20 Ill. Reg. 16176, effective JAN 1 1997)

Section 110.120 Miscellaneous Fees

- a) Swine health checks at slaughter facilities:
Market swine health check per head with a minimum of 10 head 5.00
(Contact the Galesburg Laboratory for Information)
- b) Water potability test (Coliform and Enterococcus--

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- c) Millipore Method and Nitrates)..... 8.00 C
 d) Return of shipping container..... current postal rate C, G, S
 Field trip by Department laboratory personnel to take
 specimens..... 50.00 C
 e) Cremation (Under 50 pounds)..... 50.00 C
 50 pounds and above, each additional pound..... 1.00 G
 f) Repetitive (PRN) (first page)..... 5.00 G-5
 each additional page..... 1.00 G-5
 Handling fee for sending specimens to
 out-of-state laboratories..... 5.00 C, G, S
 Lysine..... 40.00 C
 g) Amino acids..... 100.00 C
 h) Trihalomethanes (THM's)..... 75.00 C
 i) Volatile Organic Compounds..... 300.00 C
 Disposal Fee: (when lab tests have not been
 conducted, a disposal fee will be charged
 in addition to any cremation costs)
 Under 50 pounds..... 5.00 C, G, S
 50 pounds to 100 pounds..... 10.00 C, G, S
 Over 100 pounds..... 15.00 C, G, S
 overnight shipping..... current postal rate C, G, S
 Shipping containers..... current market price C, G, S
 (Source: Amended at 20 Ill. Reg. **16176**, effective
 JAN 01 1996)

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- 1) Heading of Part: Bovine Brucellosis
 2) Code Citation: 8 Ill. Adm. Code 75
 3) Section Numbers: Adopted Action:
 75.5 Amendment
 75.10 Amendment
 75.40 Amendment
 75.60 Amendment
 75.80 Amendment
 75.120 Amendment
 75.180 Amendment
 4) Statutory Authority: Illinois Bovine Brucellosis Eradication Act (510 ILCS 30)
 5) Effective Date of amendments: January 1, 1997
 6) Does this rulemaking contain an automatic repeal date? No
 7) Does this proposed amendment contain incorporations by reference? Yes
 8) Date Filed in Agency's Principal Office: December 17, 1996
 9) Notices of Proposal Published in Illinois Register:
 July 12, 1996, 20 Ill. Reg. 8752
 10) Has JCAR issued a Statement of Objections to these rules? No
 11) Differences between proposal and final version: None
 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No
 13) Will this amendment replace an emergency amendment in effect? No
 14) Are there any amendments pending on this Part? No
 15) Summary and Purpose of amendments: In Sections 75.5, 75.10, 75.60, and 75.120, the current edition of the Code of Federal Regulations is adopted. Sections 75.70 and 75.80 is amended to prohibit the diversion of slaughter animals en route to the slaughter facility and to ensure that all proper forms accompany the animals.
 A new vaccine for bovine brucellosis was approved by the U.S. Department of Agriculture in the spring of 1996. The USDA is requiring a special vaccination tag for animals vaccinated with the RB-51 vaccine. This tag

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requirement is added to Section 75.60.

Wisconsin is allowing cattle to leave their auction markets without a negative test for brucellosis. Since there is a chance that animals from other than a Class Free State may be consigned to a Wisconsin market, Illinois is clarifying in Section 75.180 that it will not accept animals from out-of-state markets unless the animal has had a negative test within the past thirty days.

16) Information and questions regarding this adopted amendment shall be directed to:

Debbie Wakefield
Illinois Department of Agriculture
State Fairgrounds
Springfield Illinois 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

The full text of Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 75

BOVINE BRUCELLOSIS

Section	Definitions
75.5	Interpretation by Reference
75.10	Official Certification of the Results of the Brucellosis Blood Test
75.11	Permit to Conduct Official Brucellosis Tests
75.15	Reports Required
75.20	Tests Conducted at State Expense or for Interstate or Export Shipment
75.30	Tests Conducted at Owner's Expense for Interstate Movement (Repealed)
75.40	Indemnity
75.50	Identification of Cattle
75.60	Herds Revealing Reactors
75.70	Sale of Suspects and Negative Animals From Quarantined Herds
75.80	Release of Herds or Cattle Under Quarantine
75.90	Herds Revealing Suspects Only
75.100	Identification Tags
75.110	Repealed
75.120	Establishing and Maintaining Certified Brucellosis-Free Herds of Cattle
75.130	Feeding or Grazing Cattle
75.140	Sale of Quarantined Feeding or Grazing Cattle
75.150	Cattle for Immediate Slaughter
75.160	Female Cattle--Beef Breeds--18 Months and Over
75.170	Release of Feeding or Grazing Cattle from Quarantine
75.180	Dairy or Breeding Cattle
75.190	Additional Requirements on Cattle from States Designated as Class B and Class C States
75.200	Slaughter Cattle from Class B or Class C States
75.210	Official Certification of Final Status
75.220	Repealed
TABLE A	Brucellosis Standard Plate Test of Officially Vaccinated Cattle
TABLE B	Brucellosis Standard Plate Test of Non-Vaccinated Cattle and Bison (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30].

SOURCE: Regulations Relating to Bovine Brucellosis, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 6, 1972, effective December 16, 1972; filed June 20, 1973, effective June 20, 1973; filed December 10, 1973, effective December 24, 1973; filed

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August 19, 1975, effective August 29, 1975; filed March 12, 1976, effective March 22, 1976; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective January 8, 1977; amended at 2 i.l.l. Reg. 24, p. 55, effective January 1976, effective January 8, 1977; amended at 2 i.l.l. Reg. 24, p. 55, effective January 1976, effective January 8, 1977; amended at 3 i.l.l. Reg. 34, p. 96, effective August 24, 1979; amended at 5 i.l.l. Reg. 720, effective January 2, 1981; codified at 5 i.l.l. Reg. 1010453; amended at 7 i.l.l. Reg. 1737, effective January 28, 1983; amended at 7 i.l.l. Reg. 1733, effective February 2, 1983; amended at 8 i.l.l. Reg. 5891, effective February 2, 1984; amended at 9 i.l.l. Reg. 4488, effective March 22, 1984; amended at 9 i.l.l. Reg. 1967, effective January 11, 1985; amended at 9 i.l.l. Reg. 9741, effective May 1987; amended at 12 i.l.l. Reg. 3396, effective January 22, 1988; amended at 13 i.l.l. Reg. 3636, effective March 13, 1989; amended at 14 i.l.l. Reg. 1911, effective January 19, 1990; amended at 18 i.l.l. Reg. 1833, effective January 24, 1994; amended at 20 i.l.l. Reg. 1509, effective January 12, 1996; amended at 20 i.l.l. Reg. **1618**, effective **JAN 13 1997**.

Section 75.5 Definitions

The definitions for the rules of this Part shall be as stated in 8 Ill. Adm. Code 20.1. The following definition shall also apply:

"Act" means the Illinois Bovine Brucellosis Eradication Act [510 ILCS 301].

"registered animal" means an animal for which individual records of ancestry are recorded and maintained by a breed association whose purpose is the improvement of the bovine species, and for which individual registration certificates are issued and recorded by such breed association. The breed associations recognized by the Department are those recognized by the United States Department of Agriculture (9 CFR 51.1, 1996 amendments).

(Source; Amended at 20 Ill. Reg. 16181, effective

Section 75.10 Official Classification of the Results of the Brucellosis Blood Test

- a) The official tests and classification of results for the brucellosis blood and milk tests shall be as prescribed in the Brucellosis Diagnostic Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box 8237, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23288, May 6, 1992 as amended February 2, 1993 and June 16, 1994) and the United States Department of Agriculture and/or 9 CFR 78.1 (1995 1995).
- b) The Card (Buffered Brucella Antigen) test or Buffered Acidified plate Antigen (BAPA) test shall be the official tests used at licensed livestock auction markets in the State. The CIMS (restated) test

- b) The card (Buffered Brucella Antigen) test or Buffered Acidified plate Antigen (BAPA) test shall be the official tests used at licensed livestock auction markets in the State. The CIME (Registered) test

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c) shall be used as a supplemental test whenever the card test is used. The official brucellosis test for cattle imported into Illinois shall be one conducted at an approved laboratory.

(Source: Amended at 20 Ill. Reg. 16181, effective
JAN 01 1967)

Section 75.60 Identification of Cattle

- a) All purebred or crossbred cattle subject to registration vaccinated with brucella abortus vaccine shall be identified on the report of vaccination by their registration number, or dam's registration number, or record association approved individual tattoo or microchip. All grade or not permanently identified cattle so vaccinated shall be ear tagged in the right ear with an identification tag. In addition to the above identification, all animals shall be identified at the time of vaccination by a tattoo in the right ear. When using a strain 19 vaccine, the tattoo shall show the quarter and year of vaccination and the letter "v" in the Federal shield. The number of the quarter shall precede the letter "v" in the shield and the last figure of the year shall follow the letter "v" in the shield. For example, 437-1-4 means the last quarter (Oct. Nov. Dec.) of the year, "v" means vaccinated, and "v" means the year (example 1957). When using a RB-51 vaccine, the tattoo shall show the letter "8" then the Federal shield followed by the last number of the year the animal was vaccinated (example RBV6 would be an animal vaccinated with the RB-51 vaccine in 1956).
- b) All cattle, except permanently identified purebred or crossbred animals, tested for brucellosis in the State of the Illinois shall be identified by an ear tag placed in the right ear, which tag shall bear a prefix number or letter followed by the number on the face of the tag, and on the reverse side shall bear the word "Illinois."
- c) All cattle registered with the Federal Government and identified for test or vaccination by the registered carcass record shall be identified for test or vaccination by the number of the carcass record registration number or individual registration breed tattoo or microchip.

- d) All cattle, except Perennatis in the State of the Illinois shall be animals, tested for brucellosis in the State of the Illinois shall be identified by an ear tag placed in the right ear, which tag shall bear a prefix number or letter followed by the number on the face of the tag, and on the reverse side shall bear the word "Illinois".
- e) Purebred or crossbred registered cattle may be identified for test or vaccination by the purebred or crossbred registration number or individual registration, breed, tattoo or microchip.

- b) Purebred or crossbred registered cattle may be identified for test or vaccination by the purebred or crossbred registration number or individual registration breed tattoo or microchip.

(Source: Amended at 20 Ill. Reg. 16181, effective JAN 01 1997)

Section 75.70 Herds Revealing Reactors

- The entire herd shall be placed under quarantine and the reactor animals shall be immediately isolated from the remainder of the herd. Reactors shall be shipped for slaughter to a public stockyards, a licensed livestock auction market, or directly to a recognized slaughtering establishment accompanied by United States Department of Agriculture VS Form 1-27 Permit for Movement of Animals and shipment reported to the Department. Reactors shall not be diverted from the

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destination listed on the VS Form 1-27, and any other shipping forms must accompany the cattle or bison to their destination. The buyer of such animals must also ensure that the VS Form 1-27 and any other shipping forms are given to the driver transporting the animals to their destination.

- b) All reactors shall be reactor tagged and branded by an accredited veterinarian or a veterinarian in the employ of the Department or the Animal and Plant Health Inspection Service within 10 days of report by the owner of the reactor. The VS Form 1-27, and any other shipping forms (Slaughtered) shall be submitted in duplicate. Such reactor animals shall be shipped within 15 days after tagging and branding.

(Source: JAN 01 1997 at 20 Ill. Reg. 16181, effective JAN 01 1997)

Section 75.80 Sale of Suspects and Negative Animals From Quarantined Herds

Suspects or negative exposed animals from herds under quarantine may be shipped by the owner direct to a recognized slaughtering establishment, a public auctioneer, or to a licensed livestock auction market, accompanied by Federal VS Form 1-27 and any other shipping forms. Such animals are reported to the Department. Suspects shall not be diverted from the destination listed on the VS Form 1-27, and any other shipping forms must accompany the cattle or bison to their destination. The buyer of such animals must also ensure that the VS Form 1-27 and any other shipping forms are given to the driver transporting the animals to their destination. Such cattle are to be identified by an ear tag supplied by the Department and by branding with a hot iron the letter "S" on the left jaw in letters not less than 2 nor more than 3 inches in height, before the animals leave the premises where they are quarantined, except that cattle for slaughter shall be exempt from the "S" branding requirements of this regulation when moved direct from a feedlot on the quarantined premises to a recognized slaughtering establishment in a vehicle which has been sealed by a Department employee, or a person designated by the Department.

(Source: Amended at 20 Ill. Reg. 16181, effective JAN 01 1997)

Section 75.120 Requirements for Establishing and Maintaining Certified Brucellosis-Free Herds of Cattle

Certified brucellosis-free herds shall be established and maintained in accordance with the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 144, 1610 Forest Avenue, Richmond, Virginia 23228; May 6, 1992 as amended by the Department of Agriculture and the United States Department of Agriculture and/or 9 CFR 78.1 (1996 1999)).

(Source: Amended at 20 Ill. Reg. 16181, effective JAN 01 1997)

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Section 75.180 Dairy or Breeding Cattle

All dairy or breeding cattle transported or moved into the State of Illinois, unless said cattle are consigned direct to and delivered by the transportation company within the confines of a public stockyards or marketing center, shall be accompanied by an official certificate of health showing:

- All such cattle over 6 months of age are negative to brucellosis blood test.
- All within 30 days prior to shipment, Official brucellosis-free herd, Class 1 or 2, or country. Certified herd number shall be given and the cattle shall be identified by ear tag number, registration name and number, dam's registration number, or record association approved individual tattoo, OR
- Cattle are official brucellosis calfhood vaccinates under 24 months of age for beef breeds and 20 months of age for dairy breeds.

All unvaccinated dairy or breeding heifers or bison over 6 months of age of bulls more than 18 months of age moving through an out-of-state auction market or marketing center must be accompanied by an official health certificate showing a negative test for brucellosis within 30 days prior to entry, regardless of state or herd status. Official brucellosis calfhood vaccinates 60 days prior to shipment must show they are 11 months of age for beef breeds and 20 months of age for dairy breeds.

(Source: Amended at 20 Ill. Reg. 16181, effective JAN 01 1997)

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- 1) Heading of the Part: Equine Infectious Anemia Control
- 2) Code Citation: 8 Ill. Adm. Code 116
- 3) Section Numbers: Adopted Action:
116.30
Amendment
116.40
Repealed
- 4) Statutory Authority: Illinois Equine Infectious Anemia Control Act [510 ILCS 65]
- 5) Effective Date of amendments: January 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 17, 1996
- 9) Notices of Proposal Published in Illinois Register: July 12, 1996, 20 Ill. Reg. 8773
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between Proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: Amendments to Section 116.30 include: A time limit of ten days is established for euthanizing or shipping equine reactors and a ten-day period is established for testing reactors. Equine reactors are prohibited from being transported to slaughter facilities if the reactor is going to be quarantined, a fifteen day time limit for having quarantine facilities in place is established.
- A provision in P.A. 89-463 effective 1/1/97 requires all members of the equine family being sold, leased, traded or loaned within the state to have a negative test for equine infectious anemia prior to sale. Section 116.40 is repealed as this statutory amendment negates the testing of slaughter horses at market.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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Debbie Wakefield
Illinois Department of Agriculture
State Fairgrounds
801 North Dearborn
Illinois 62794-9281
217/785-5713
Facsimile: 217/785-4505

The full text of Adopted Amendments begins on the next page.

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TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
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(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 116

EQUINE INFECTIOUS ANEMIA CONTROL

- Section
116.10 Testing of Illinois Equidae
116.20 Retesting of Reactors
116.30 Quarantining of Reactors
116.40 Movement of Equidae Through Livestock Sales and Livestock Auction Markets (Repealed)
116.50 Falsification of Records

AUTHORITY: Implementing and authorized by the Illinois Equine Infectious Anemia Control Act [510 ILCS 65].

SOURCE: Adopted at 18 Ill. Reg. 1861, effective January 24, 1994, amended at 20 Ill. Reg. 290, effective January 1, 1996, amended at 20 Ill. Reg. 16188, effective JAN 1 1997.

Section 116.30 Quarantining of Reactors

If the owner of a known reactor does not wish to have the reactor euthanized or shipped to slaughter, the animal must be quarantined for life. The reactor must be kept at all times in an insect proof stall and cannot be removed from this enclosure, except to be euthanized or shipped to slaughter. All quarantine facilities must be in place within 15 days after the confirmatory test results are received and inspection of regular basis must be made to make sure that the reactor is maintained under quarantine. If the reactor is euthanized or shipped, it must be done within 10 days after the confirmatory test, and reactors shipped to slaughter cannot be diverted en route.

(Source: Amended at 20 Ill. Reg. 16188, effective JAN 1 1997)

Section 116.40 Movement of Equidae Through Livestock Sales and Livestock Auction Markets (Repealed)

All equidae moving through sales or livestock auction markets or being banded to sales or livestock auction markets must be accompanied by a negative test for equine infectious anemia within the past twelve months if over twelve months of age, unless the animal is consigned for immediate slaughter. Equidae consigned for immediate slaughter are not required to have a negative test for equine infectious anemia before arrival at the sale or auction but will be

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required to be sold with a mane tag indicating that the animal is for slaughter only, will have blood drawn for an equine infectious anemia test before leaving the sale or auction and will only be allowed to leave the premises on an Equine Slaughter Certification (BISAF) form which must accompany the animal to slaughter. Immediate slaughter means the animal must be delivered to a slaughtering facility within ten days after purchase or possession. All equidae consigned for slaughter only must be kept separate and apart from all other tested equidae.

(Source: Repealed at 20 Ill. Reg. 16188, effective JAN 1 1997)

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- 1) Heading of the Part: Livestock Auction Markets
- 2) Code Citation: 8 Ill. Adm. Code 40
- 3) Section Numbers: Adopted Action:
40.50 Amendment
40.60 Amendment
40.180 Amendment
- 4) Statutory Authority: Livestock Auction Market Law [225 ILCS 640] and Section 40.23 of the Civil Administrative Code of Illinois [20 ILCS 205/40.23]
- 5) Effective Date of amendments: January 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 17, 1996
- 9) Notices of Proposal Published in Illinois Register: July 12, 1996, 20 Ill. Reg. 8790
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: Nonsubstantive editorial corrections were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this amendment replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: In Sections 40.50, 40.60 and 40.180, language is added to prohibit the diverting of slaughter animals en route to the slaughter facility. Language is also added in Section 40.60(c) to prohibit the sale of any reactor or suspect animal after the animal has been bought, without the approval of the Department.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Debbie Wakefield
Illinois Department of Agriculture

DEPARTMENT OF AGRICULTURE
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State Fairgrounds
Springfield, IL 62794-9281
217/785-5713
Facsimile: 217/785-4505

The full text of Adopted Amendments begins on the next page:

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PART 40
LIVESTOCK AUCTION MARKERS

- Section
40.5 Definitions
40.10 Fee to Accompany Application Not To Be Refunded
40.20 Release of Livestock for Interstate Shipment
40.30 Veterinary Inspection
40.40 Veterinary Office
40.50 Detection of Diseased Animals
40.60 Bovine Brucellosis
40.70 Quarantine Pen
40.80 The Sale of Livestock for Immediate Slaughter
40.90 Test Chute
40.96 Brucellosis Test
40.100 Sale of Reactors
40.110 Reactors Subject to Quarantine
40.120 Backpacking
40.130 Yarding and Housing
40.140 Display License (Repealed)
40.150 Sale Day
40.160 Swine
40.170 Swine Which React to Test for Brucellosis
40.180 Sheep
40.190 Surety Bonds and Other Pledged Security
40.200 Cancellation of Escrow Agreements (Personal Bonds) (Repealed)
40.210 Swine Movement Limitations (Repealed)
40.220 Disposition of Rejected Feeding or Breeding Swine
40.230 Director to Be Named Trustee (Repealed)

AUTHORITY: Implementing and authorized by the Livestock Auction Market Law [225 ILCS 640] and Section 40.23 of the Civil Administrative Code of Illinois [20 ILCS 205/40.23].

SOURCE: Regulations Relating to Livestock Auction Markets, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 14, 1973, effective December 24, 1973; filed March 2, 1976, effective March 12, 1976; amended at 21 ILCS Reg. 24, P. 73, effective June 15, 1978; codified at 5 ILCS Reg. 10442; amended at 8 ILCS Reg. 5956, effective April 23, 1984; amended at 10 ILCS Reg. 9754, effective May 21, 1986; amended at 12 ILCS Reg. 3411, effective January 24, 1988; amended at 14 ILCS Reg. 1943, effective January 19, 1990; amended at 16 ILCS Reg. 11793, effective July 8, 1992; amended at 18 ILCS Reg. 1809, effective January 24, 1994; amended at 20

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Ill. Reg. 1546, effective January 12, 1996; amended at 20 ILCS Reg. 16192, effective JAN 11 1994.

Section 40.50 Detection of Diseased Animals

Diseased livestock, not detected prior to unloading, shall be placed in the quarantine pen. Such livestock may be sold through the auction ring at the completion of the regular sale for slaughter only. Each animal shall be identified with an Illinois slaughter tag, and the information recorded on Form C-54, revised October 11, 1991, shall be submitted to the State Veterinarian from the quarantine pen shall be delivered to the Federal State Inspected slaughtering establishment or to a public stockyard, and shall not be diverted en route, or to a licensed dead animal disposal unit or be quarantined back to the original owner, at the option of the owner.

(Source: Amended at 20 ILCS Reg. 16192, effective JAN 11 1994.)

Section 40.60 Bovine Brucellosis

- a) Cattle which, upon being tested for brucellosis at a livestock auction market, are classified as reactors to the official test shall be immediately quarantined and sold only for immediate slaughter.
b) The reactors which are classified as reactors shall be delivered to a public stockyard or recognized slaughtering establishment and be positively identified and branded as provided by Section 5 of the Illinois Bovine Brucellosis Braciation Act [510 ILCS 30/5]. The purchaser of the reactors shall sign a VS Form 1-27, "Permit For Movement of Animals." Illinois brucellosis reactors disclosed at other than a livestock auction market may be consigned to a livestock auction market designated as a marketing center if accompanied by official VS Form 1-27, "Permit For Movement of Animals". A new VS Form 1-27 shall be prepared by the livestock auction market veterinarian and shall accompany the reactor to slaughter and shall not be diverted en route and shall go only to the destination listed on the VS Form 1-27. No change of ownership of any reactor or suspect animal after the animal has been bough shall be allowed without the approval of the Department.
c) When one or more brucellosis reactors are disclosed in a group of cattle, the negative cattle which have been in contact with the reactors for more than 24 hours shall be either returned to the farm of origin under quarantine OR shipped directly to a recognized slaughtering establishment or a public stockyard, accompanied by VS Form 1-27 to be sold for slaughter only and shall not be diverted en route and shall go only to the destination listed on the VS Form 1-27. No change of ownership of any reactor or suspect animal after the animal has been bough shall be allowed without the approval of the Department. Unless cattle are being returned to the farm of origin,

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they shall be identified by an ear tag provided by the Department and by branding with a hot iron the letter "S" on the left jaw in letters not less than 2 nor more than 3 inches in height, before the cattle leave the livestock auction market.

(Source: Amended at 20 Ill. Reg. 16192, effective JAN 01 1997)

Section 40.180 Swine Which React to Test for Brucellosis

Any swine which, upon being tested for brucellosis at a livestock auction market, react to an official brucellosis test shall be placed in the quarantine pen and sold for slaughter only. The reactor shall be identified with a reactor identification tag. The animal, when sold, shall be accompanied by Form R-63 AND shall be delivered to State or Federal inspected slaughter establishment and shall go directly to the destination listed on Form R-63 and is not to be diverted en route. Such swine may not be sold for feeding or breeding purposes.

(Source: Amended at 20 Ill. Reg. 16192, effective JAN 01 1997)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of Part: Livestock Dealer Licensing
- 2) Code Citation: 68 Ill. Adm. Code 610
- 3) Section Numbers: Amended Action:
610.60
- 4) Statutory Authority: Illinois Livestock Dealer Licensing Act [225 ILCS 645]
- 5) Effective Date of amendments: January 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 17, 1996
- 9) Notices of Proposal Published in Illinois Register:
July 12, 1996, 20 Ill. Reg. 8795
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: Nonsubstantive editorial corrections were made.
- 12) Have all the changes urged upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: Language is added to prohibit the diversion en route of diseased slaughter animals and to assure that all required forms accompany the animals.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Debbie Wakefield
Illinois Department of Agriculture
State Fairgrounds
Springfield, Illinois 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

The full text of Adopted Amendments begins on the next page:

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- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers:
 130.2011 Adopted Action:
 130.2012 New Section
- 4) Statutory Authority: 35 ILCS 120
- 5) Effective Date of Amendment(s): December 16, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 16, 1996
- 9) Notice of Proposal Published in Illinois Register: July 5, 1996, 20 Ill. Reg. 8626
- 10) Has JCPR issued a Statement of Objections to these Amendments? No
- 11) Differences between Proposal and final version:
1. In Section 130.2011(a), added "sales of" after "1996".
 2. In subsection (a) deleted "and equipment used in the diagnosis, analysis, or treatment of hospital patients."
 3. In subsection (a)(1), changed the comma after "computers" to "and" and deleted ", and other equipment".
 4. Added new subsection (b):
"b) Effective January 1, 1996, sales of equipment, other than that specified in subsection (a), used in the diagnosis, analysis, or treatment of hospital patients that is sold to persons who lease that equipment to exempt hospitals is not subject to Retailers' Occupation Tax providing:
 - 1) the equipment described above must all be purchased for lease to a tax exempt hospital under a lease that has been executed or is in effect at the time of purchase
 - 2) the lease must be for a period of one year or longer; and
 - 3) the lease must be to a hospital that has an active tax

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- exemption identification number issued by the Department under Section 13 of the Retailers' Occupation Tax Act (see 86 Ill. Adm. Code 130.2007 of this Part)."
5. Changed subsection "b)" to subsection "c)".
 6. Changed subsection "(b)(1) and (b)(2)" to subsection "(c)(1) and (c)(2)".
 7. Changed subsection "c)" to subsection "d)".
- 12) Have all the changes agreed upon by the Agency and JCPR been made as indicated in the agreement letter issued by JCPR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | IL Register Citation |
|-----------------|-----------------|-----------------------------|
| 130.801 | Amendment | 7/12/96, 20 Ill. Reg. 8961 |
| 130.805 | Amendment | 7/12/96, 20 Ill. Reg. 8961 |
| 130.823 | Amendment | 7/12/96, 20 Ill. Reg. 8961 |
| 130.120 | Amendment | 11/1/96, 20 Ill. Reg. 14161 |
- 15) Summary and Purpose of Amendment(s): This rulemaking is in response to Public Act 89-115 which provides that tangible personal property purchased for lease to a governmental entity is a lease for purposes of at least one year or longer is exempt from Retailers' Occupation Tax. That Public Act also provides a similar exemption for computers and certain types of equipment purchased for lease to an exempt hospital. These proposed rules describe these exemptions and the documentation requirements for claiming the exemptions.
- 16) Information and questions regarding this adopted amendment shall be directed to:
- Terry D. Charlton
 Associate Counsel
 Illinois Department of Revenue
 Legal Services Office
 101 West Jefferson
 Springfield, Illinois 62794
 Phone: (217) 782-6996
- The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER 1: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section
130.101 Character and Rate of Tax
130.102 Responsibility of Trustees, Receivers, Executors or Administrators
130.105 Occasional Sales
130.110 Sale of Used Motor Vehicles by Leasing or Rental Business
130.111 Habitual Sales
130.115 Nontaxable Transactions
130.120

SUBPART B: SALE AT RETAIL

Section
130.201 The Test of a Sale at Retail
130.205 Sales for Transfer Incident to Service
130.210 Sales of Tangible Personal Property to Purchasers for Retail
Further Illustrations
130.215
130.220 Sales to Lessors of Tangible Personal Property

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section
130.305 Farm Machinery and Equipment
130.310 Food, Drugs, Medicines and Medical Appliances
130.315 Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320 Gasohol
130.321 Fuel Used by Air Common Carriers in International Flights
130.325 Graphic Arts Machinery and Equipment Exemption
130.330 Manufacturing Machinery and Equipment
130.335 Pollution Control Facilities
130.335 Oil Field Stock
130.345 Oil Field Exploration, Drilling and Production Equipment
130.350 Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

SUBPART D: GROSS RECEIPTS

Section
130.401 Meaning of Gross Receipts
130.405 How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
130.410 Cost of Doing Business Not Deductible

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130.415 Transportation and Delivery Charges
130.420 Finance or Interest Charges--Penalties--Discounts
130.425 Traded-In Property
130.430 Deposit or Prepayment on Purchase Price
130.435 Rates and Local Taxes Other Than Retailers' Occupation Tax
130.440 Penalties
130.445 Federal Taxes
130.445 Installation, Alteration and Special Service Charges
130.450 Motor Vehicle Leasing and Trade-In Allowances
130.455

SUBPART E: RETURNS

Section
130.501 Monthly Tax Returns--When Due--Contents
130.502 Quarterly Tax Returns
130.505 Returns and How to Prepare
130.510 Annual Returns
130.515 First Return Returns
130.520 Final Returns When Business is Discontinued
130.525 Who May Sign Returns
130.530 Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations
130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
130.540 Returns on a Transaction by Transaction Basis
130.545 Registrants Must File a Return for Every Return Period
130.550 Filing of Returns for Retailers by Suppliers Under Certain Conditions
130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel
130.555 Vending Machine Information Returns
130.560 Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section
130.601 Preliminary Comments
130.605 Sales of Property Originating in Illinois
130.610 Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section
130.701 General Information on Obtaining a Certificate of Registration
130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710 Procedure When Security Must Be Forfeited
130.715 Sub-Certificates of Registration
130.720 Separate Registrations for Different Places of Business of Same

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Taxpayer Under Some Circumstances
 130.725 Display
 130.730 Replacement of Certificate
 130.735 Certificate Not Transferable
 130.740 Certificate Required For Mobile Vending Units
 130.745 Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section
 130.801 General Requirements
 130.805 What Records Constitute Minimum Requirement
 130.810 Records Required to Support Deductions
 130.815 Preservation and Retention of Records
 130.820 Preservation of Books During Pendency of Assessment Proceedings
 130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

SUBPART I: PENALTIES AND INTEREST

Section
 130.890 Civil Penalties
 130.905 Interest
 130.910 Criminal Penalties

SUBPART J: BINDING OPINIONS

Section
 130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section
 130.1101 Definition of Federal Area
 130.1105 When Deliveries on Federal Areas Are Taxable
 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section
 130.1201 General Information
 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section
 130.1301 When Lessee of Premises Must File Return for Leased Department

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130.1305 When Lessor of Premises Should File Return for Leased Department
 130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section
 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale
 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale
 130.1410 Requirements for Certificates of Resale (Repealed)
 130.1415 Resale Number--When Required and How Obtained
 130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
 130.1501 Claims for Credit--Limitations--Procedure
 130.1505 Disposition of Credit Memoranda by Holders Thereof
 130.1510 Refunds
 130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON SELLING OUT OR DISCONTINUING BUSINESS

Section
 130.1601 When Returns are Required After a Business is Discontinued
 130.1605 When Returns Are Not Required After Discontinuation of a Business
 130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section
 130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section
 130.1801 When Powers of Attorney May be Given
 130.1805 Filing of Power of Attorney With Department
 130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

Section
 130.1901 Addition Agents to Plating Baths
 130.1905 Agricultural Producers
 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage

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10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 15652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16078, effective September 18, 1990; amended at 15 Ill. Reg. 624, effective April 17, 1991; amended at 15 Ill. Reg. 13512, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 15, 1992; amended at 17 Ill. Reg. 860, effective January 17, 1993; amended at 17 Ill. Reg. 18145, effective March 2, 1993; amended at 17 Ill. Reg. 19055, effective March 13, 1993; amended at 18 Ill. Reg. 1537, effective November 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 21 Ill. Reg. **16200**, effective **DEC-16-1996**.

SUBPART 5: SPECIFIC APPLICATIONS

Section 130.20(1) Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals

a) Effective January 1, 1996, sales of computers and communications equipment utilized for any hospital purpose that are sold to persons who lease those items to exempt hospitals are not subject to Retailers' Occupation Tax provided:

- 1) the computers and communications equipment described above must all be purchased for lease to a tax exempt hospital under a lease that has been executed or is in effect at the time of purchase;
- 2) the lease must be for a period of one year or longer; and
- 3) the lease must be to a hospital that has an active tax exemption identification number issued by the Department under Section 130.20(1) of the Retailers' Occupation Tax Act (see Section 130.20(7) of this Part).

b) Effective January 1, 1996, sales of equipment, other than that

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specified in subsection (a), used in the diagnosis, analysis, or treatment of hospital patients that is sold to persons who lease that equipment to exempt hospitals is not subject to Retailers' Occupation Tax provided:

- 1) the equipment described above must all be purchased for lease to a tax exempt hospital under a lease that has been executed or is in effect at the time of purchase;
- 2) the lease must be for a period of one year or longer; and
- 3) the lease must be to a hospital that has an active tax exemption identification number issued by the Department under Section 130.20(1) of the Retailers' Occupation Tax Act (see Section 130.20(7) of this Part).

c) The retailer must retain the certification described below in the retailer's books and records to properly document the exemption described in this section:

- 1) When this exemption may be properly claimed on the purchase of computer or other communications equipment, the purchaser must give the seller a certification stating that the computer or other communications equipment is being purchased for use in a tax exempt hospital and that the equipment is being purchased for nondepreciation purposes at the time of the purchase.
- 2) When this exemption may be properly claimed on the purchase of equipment used in the diagnosis, analysis, or treatment of hospital patients, the purchaser must give the seller a certification stating that the equipment is being purchased for lease to a tax exempt hospital under a lease for a period of one year or longer executed or in effect at the time of the purchase, and that the equipment is for use in the diagnosis, analysis, or treatment of hospital patients.
- 3) The certification described in subsections (c)(1) and (c)(2) of this Section must also contain all of the following:
 - A) The seller's name and address;
 - B) The purchaser's name and address;
 - C) A description of the tangible personal property being purchased;
 - D) The purchaser's signature and date of signing;
 - E) The name and address of the hospital and its tax exemption identification number issued by the Department; and
 - F) The date the lease was executed and the lease period.

d) For purposes of this Section, "hospital patients" means persons who seek any form of medical care including, but not limited to, medical treatment, testing, diagnosis, or therapy at a hospital or at another location under the control and supervision of a hospital. For example, persons who are sent by doctors for X-rays or other tests at nonhospital hospitals, even though those persons are not admitted to those hospitals, are considered hospital patients.

(Source: Added at 21 Ill. Reg. **16200**, effective

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DEC 16 1996**Section 130-2012 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies**

a) Effective January 1, 1996, sales of tangible personal property to a lessor who leases that property to a governmental body are not subject to Retailers' Occupation Tax provided that:

1) the tangible personal property must be purchased for lease to a governmental body under a lease that has been executed or is in effect at the time of purchase;

2) the lease must be for a period of one year or longer; and

3) the lease must be to a governmental body that has an active tax exemption identification number issued by the Department under Section 130-2012 of this Part.

b) When this exemption may be properly claimed, the purchaser must give the seller a certification stating that the property is being purchased for lease to a governmental body, under a lease of one year or longer executed or in effect at the time of the purchase and containing all of the following:

- 1) The seller's name and address;
- 2) The purchaser's name and address;
- 3) A description of the tangible personal property being purchased;
- 4) The purchaser's signature and the date of purchase;
- 5) The identification number issued by the Department, and its tax exemption identification number issued by the Department; and
- 6) The date the lease was executed and the lease period.

(Source: added at 21 Ill. Reg. **16200-**, effective **DEC 16 1996**)

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NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Service Occupation Tax

2) **Code Citation:** 86 Ill. Adm. Code 140

3) **Section Numbers:** Adopted Action:
140.127 New Section
140.128 New Section

4) **Statutory Authority:** 35 ILCS 115

5) **Effective Date of Amendment(s):** December 16, 1996

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this amendment contain incorporations by reference?** No

8) **Date Filed in Agency's Principal Office:** December 16, 1996

9) **Notice of Proposal Published in Illinois Register:** July 5, 1996, 20 Ill. Reg. 8637

10) **Has JCPR issued a Statement of Objections to these Amendments?** No

11) **Differences between proposal and final version:**

1. In Section 140.127(a), deleted "and equipment used in the diagnosis, analysis, or treatment of hospital patients."

2. In subsection (a), deleted the comma after "hospitals".

3. In subsection (a)(1), changed the comma after "computers" to "and" and deleted ", and other equipment".

4. Added new subsection (b):

"b) Effective January 1, 1996, equipment, other than that specified in subsection (a), used in the diagnosis, analysis, or treatment of hospital patients that is transferred incident to a sale of service to persons who lease that equipment to exempt hospitals is not subject to Service Occupation Tax provided:

1) the equipment described above must all be purchased for lease to the exempt hospital under a lease that has been executed or is in effect at the time of purchase;

2) the lease must be for a period of one year or longer; and

3) the lease must be to a hospital that has an active tax

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exemption identification number issued by the Department under Section 13 of the Retailers' Occupation Tax Act (see 86 Ill. Adm. Code 130.20071.)"

5. Changed subsection "b)" to subsection "c)".
6. Changed subsection "(b)(1) and (b)(2)" to subsection "(c)(1) and (c)(2)".
7. Changed subsection "c)" to subsection "d)".
- 12) Have all the changes listed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes
- Section Numbers Proposed Action Ill Register Citation
140.125 Amendment 11/1/96, 20 Ill. Reg. 14175
- 15) Summary and Purpose of Amendment(s): This rulemaking is in response to Public Act 89-115 which provides that any tangible personal property purchased for lease to a governmental entity under a lease period of at least one year or longer is exempt from Service Occupation Tax. The Public Act also provides for a similar exemption for computers and certain types of equipment purchased for lease to exempt hospital. These proposed amendments describe these exemptions and the documentation requirements for claiming the exemptions.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Terry D. Charlton
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER 1: DEPARTMENT OF REVENUE

PART 140

SERVICE OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section
140.101
140.105
140.110
140.115
140.120
140.125
140.126
140.127

Basis and Rate of the Service Occupation Tax
Registration of Servicemen
Presumption that Tax Applies (Repealed)
Occasional Sales to Servicemen by Suppliers (Repealed)
Meaning of Serviceman
Meaning of Nontaxability
Exemption of Food, Drugs and Medical Appliances
Service Provided to Persons Who Lease Tangible Personal Property to Exempt Hospitals

140.128
140.130
140.135
140.140
140.145

Persons Who Lease Tangible Personal Property to Governmental Bodies
Suppliers of Printers (Repealed)
Sales of Drugs and Related Items, to or by Pharmacists
Other Examples of Taxable Transactions
Multi-Service Situations

SUBPART B: DEFINITIONS

Section
140.201

General Definitions

SUBPART C: BASE OF THE TAX

Section
140.301
140.305

Cost Price
Refunds by Supplier or Serviceman

SUBPART D: TAX RETURNS

Section
140.401
140.405
140.410
140.415
140.420
140.425
140.430

Monthly Returns When Due -- Contents of Returns
Annual Tax Returns
Final Return
Taxpayer's Duty to Obtain Form
Annual Information Returns by Servicemen
Filing of Returns for Servicemen "Suppliers" by their Suppliers
Under Certain Circumstances
Incorporation by Reference

SUBPART E: INTERSTATE COMMERCE

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Section
140.501 Sales of Service Involving Property Originating in Illinois
140.501 Sales of Service Involving Property Originating Outside of Illinois
140.505 (Repealed)

SUBPART F: REGISTRATION UNDER THE SERVICE OCCUPATION TAX ACT

Section
140.601 General Information

SUBPART G: BOOKS AND RECORDS

Section
140.701 Requirements

SUBPART H: PENALTIES, INTEREST AND PROCEDURES

Section
140.801 General Information

SUBPART I: WHEN OPINIONS FROM THE DEPARTMENT ARE BINDING

Section
140.901 Written Opinions

SUBPART J: COLLECTION OF THE TAX

Section
140.1001 Payment of Tax to the Supplier
140.1005 Receipt to be Obtained for Tax Payments
140.1010 Payment of Tax Directly to the Department
140.1015 Itemization of the Tax by Suppliers
140.1020 Use of Bracket Chart
140.1025 Advertising in regard to the Tax

SUBPART K: TIMELY FILING TREATED AS TIMELY FILING AND PAYING -- MEANING OF DUE DATE WHICH FALLS ON SATURDAY, SUNDAY OR A HOLIDAY

Section
140.1101 Filing of Documents with the Department

SUBPART L: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section
140.1201 When Lessee of Premises May File Return for Leased Department
140.1205 When Lessee of Premises Should File Return for Leased Department
140.1210 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART M: USE OF EXEMPTION CERTIFICATES

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NOTICE OF ADOPTED AMENDMENTS

Section
140.1301 When Purpose of Serviceman's Purchase is Known (Repealed)
140.1305 When Purpose of Serviceman's Purchase is Unknown
140.1310 Blanket Percentage Exemption Certificates (Repealed)

SUBPART N: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
140.1401 Claims for Credit -- Limitations -- Procedure
140.1405 Disposition of Credit Memoranda by Holders Thereof
140.1410 Refunds
140.1415 Interest

SUBPART O: DISCONTINUATION OF A BUSINESS

Section
140.1501 Procedures

SUBPART P: NOTICE OF SALES OF GOODS IN BULK

Section
140.1601 Requirements and Procedures

SUBPART Q: POWER OF ATTORNEY

Section
140.1701 General Information

AUTHORITY: Implementing the Service Occupation Tax Act [35 ILCS 115] and authorized by Section 39b30 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b30].

SOURCE: Adopted May 21, 1962; amended at 3 Ill. Reg. 23, p. 161, effective June 3, 1979; amended at 3 Ill. Reg. 44, p. 196, effective October 19, 1979; amended at 3 Ill. Reg. 45, p. 196, effective January 1, 1980; amended at 3 Ill. Reg. 46, p. 196, effective January 2, 1981; amended at 6 Ill. Reg. 2979, 2883, 2886, 2892, 2895 and 2897, effective March 3, 1982; codified at 6 Ill. Reg. 9326; amended at 9 Ill. Reg. 7941, effective May 14, 1985; amended at 11 Ill. Reg. 10090, effective August 11, 1987; emergency amendment at 12 Ill. Reg. 14419, effective September 1, 1988, for a maximum of 150 days; emergency expired January 29, 1989; amended at 13 Ill. Reg. 9388, effective June 6, 1989; amended at 14 Ill. Reg. 262, effective January 1, 1990; amended at 14 Ill. Reg. 14480, effective September 10, 1990; amended at 15 Ill. Reg. 5834, effective April 5, 1991; amended at 18 Ill. Reg. 1950, effective January 13, 1994; amended at 20 Ill. Reg. 5379, effective March 26, 1996; amended at 20 Ill. Reg. 7008, effective May 7, 1996; amended at 20 Ill. Reg. 7011, effective June 1, 1996.

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DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

SUPPORT A: NATURE OF TAX

Section 140.127 Service Provided to Persons Who Lease Tangible Personal Property to Exempt Hospitals

- a) Effective January 1, 1996, computers and communications equipment utilized for any hospital purpose that are transferred incident to a sale of service to persons who lease those items to exempt hospitals are not subject to Service Occupation Tax provided:
- 1) the computers and communications equipment described above must be leased to a tax exempt hospital under a lease that has been executed or is in effect at the time of purchase;
 - 2) the lease must be for a period of one year or longer; and
 - 3) the identification number issued by the Department under Section 130.2071 of the Retailers' Occupation Tax Act (see 86 Ill. Adm. Code 130.2071).

- b) Effective January 1, 1996, equipment, other than that specified in subsection (a), used in the diagnosis, analysis, or treatment of hospital patients that is transferred incident to a sale of service to persons who lease that equipment to exempt hospitals is not subject to Service Occupation Tax provided:

- 1) the equipment described above must all be purchased for lease to a tax exempt hospital under a lease that has been executed or is in effect at the time of purchase;
- 2) the lease must be for a period of one year or longer; and
- 3) the lease must be to a hospital that has an active tax exemption identification number issued by the Department under Section 130.2071 of the Retailers' Occupation Tax Act (see 86 Ill. Adm. Code 130.2071).

- c) The serviceman must retain the certification described below in his books and records to properly document the exemption described in this Section.

- 1) When this exemption may be properly claimed for computer or other communications equipment, the service customer must give the serviceman a certification stating that the computer or other communications equipment is for lease to a tax exempt hospital under a lease for a period of one year or longer executed or in effect at the time of the purchase.
- 2) When this exemption may be properly claimed for equipment used in the diagnosis, analysis, or treatment of hospital patients, the service customer must give the serviceman a certification stating that the equipment is being purchased for lease to a tax exempt hospital under a lease for a period of one year or longer executed or in effect at the time of the purchase, and that the equipment is for use in the diagnosis, analysis, or treatment of hospital patients.
- 3) The certification described in subsections (c)(1) and (c)(2) of

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this Section must also contain all of the following:

- A) The serviceman's name and address;
 - B) The service customer's name and address;
 - C) A description of the tangible personal property being transferred incident to the sale of service;
 - D) The service customer's signature and date of signing;
 - E) The name and address of the hospital and its tax exemption identification number issued by the Department; and
 - F) The date the lease was executed and the lease period.
- d) For purposes of this Section, "hospital patients" means persons who seek any form of medical care including, but not limited to, medical treatment, testing, diagnosis, or therapy at a hospital or at another location under the control and supervision of a hospital. For purposes of this Section, persons who are not doctors or other tests at a hospital are not considered hospital patients. Persons who are not admitted to those hospitals are considered hospital patients.

(Source: Added at 20 Ill. Reg. 16211, effective DEC 10 1996.)

Section 140.128 Persons Who Lease Tangible Personal Property to Governmental Bodies

- a) Effective January 1, 1996, tangible personal property transferred incident to a sale of service to a lessor who leases that property to a governmental body is not subject to Service Occupation Tax provided that:

- 1) the property must be leased to a governmental body under a lease that has been executed or is in effect at the time of purchase;
- 2) the lease must be for a period of one year or longer; and
- 3) the lease must be to a governmental body that has an active tax exemption identification number issued by the Department under Section 130.2071 of the Retailers' Occupation Tax Act (see 86 Ill. Adm. Code 130.2071).

- b) When this exemption may be properly claimed, the service customer must give the serviceman a certification stating that the property is for lease to a governmental body, under a lease of one year or longer executed or in effect at the time of the purchase, and containing all of the following:

- 1) The serviceman's name and address;
- 2) A description of the tangible personal property being purchased;
- 3) The service customer's signature and date of signing;
- 4) The name of the governmental body and its tax exemption identification number issued by the Department; and
- 5) The date the lease was executed and the lease period.

(Source: Added at 20 Ill. Reg. 16211, effective DEC 10 1996.)

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DEC 16 1996

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1) Heading of the Part: Service Use Tax2) Code Citation: 86 Ill. Adm. Code 1603) Section Numbers:
160.116 Adopted Action:
160.117 New Section
New Section4) Statutory Authority: 35 ILCS 1105) Effective Date of Amendment(s): December 16, 19966) Does this rulemaking contain an automatic renewal date? No7) Does this amendment contain incorporations by reference? No8) Date Filed in Agency's Principal Office: December 16, 19969) Notice of Proposal Published in Illinois Register: July 5, 1996, 20 Ill. Reg. 864410) Has JCAR issued a Statement of Objections to these Amendments? No11) Differences between proposal and final version:

1. In Section 160.116(a), deleted "and equipment used in the diagnosis/analysis, or treatment of hospital patients."

2. In subsection (a), deleted the comma after "hospitals".

3. In subsection (a)(1), changed the comma after "computers" to "and" and deleted "and other equipment".

4. Added new subsection (b):

"b) Effective January 1, 1996, equipment, other than that specified in subsection (a), used in the diagnosis, analysis, or treatment of hospital patients that is transferred incident to the sale of service to persons who lease that equipment to exempt hospitals is not subject to Service Use Tax provided:

1) the equipment described above must all be purchased for lease to a tax exempt hospital under a lease that has been executed or is in effect at the time of purchase;

2) the lease must be for a period of one year or longer; and

3) the lease must be to a hospital that has an active tax

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exemption identification number issued by the Department under Section 13 of the Retailers' Occupation Tax Act (see 86 Ill. Adm. Code 130.2007)."

5. Changed subsection "d)" to subsection "c)".
6. Changed subsection "(b)(1) and (b)(2)" to subsection "(c)(1) and (c)(2)".
7. Changed subsection "c)" to subsection "d)".
8. Changed subsection "d)" to subsection "e)".
9. In subsection (e), changed references from "are" to "is".
- 12) Have all the changes raised upon by the Agency and JCAR been made as indicated in the airtel letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment(s): This rulemaking is in response to Public Act 89-115 which provides that any tangible personal property purchased for lease to a governmental entity under a lease period of at least one year or longer is exempt from Service Use Tax. That Public Act also provides a similar exemption for computers and certain types of equipment purchased for lease to an exempt hospital. These proposed rules describe these exemptions and the documentation requirements for claiming the exemptions.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Terry D. Charlton
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
217/782-6996

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER 1: DEPARTMENT OF REVENUE

PART 160
SERVICE USE TAX

- Section 160.101 Nature of the Tax
- 160.101 Definitions
- 160.110 Kinds of Uses and Users Not Taxed
- 160.115 Collection Of The Service Use Tax By Servicemen
- 160.116 Persons Who Lease Tangible Personal Property To Exempt Hospitals
- 160.117 Receipt For The Tax
- 160.120 Special Information For Taxable Users
- 160.125 Deductions, Refunds, and Credits
- 160.130 Penalties, Interest And Procedures
- 160.140 Incorporation Of Illinois Service Occupation Tax Regulations By Reference
- 160.150 Claims To Recover Erroneously Paid Tax—Limitations—Procedures
- 160.155 Disposition Of Credit Memoranda By Holders Thereof
- 160.160 Refunds
- 160.165 Interest
- AUTHORITY: Implementing the Service Use Tax Act (35 ILCS 110) and authorized by Section 39b30 of the Civil Administrative Code of Illinois (20 ILCS 2505/39b30).
- SOURCE: Adopted May 21, 1962; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 8619, effective June 5, 1984; amended at 11 Ill. Reg. 5322, effective March 17, 1987; amended at 11 Ill. Reg. 9963, effective May 8, 1987; amended at 13 Ill. Reg. 9399, effective June 6, 1989; amended at 15 Ill. Reg. 5845, effective April 5, 1991; amended at 18 Ill. Reg. 1557, effective January 13, 1994; amended 20 Ill. Reg. 7015, effective May 7, 1996; amended at 20 Ill. Reg. 10219, effective DEC 16 1996.

Section 160.116 Persons Who Lease Tangible Personal Property to Exempt Hospitals

- a) Effective January 1, 1996, computers and communications equipment utilized for any hospital purpose that are transferred incident to the sale of service to persons who lease those items to exempt hospitals are not subject to service use tax providing:
 - 1) the computers and communications equipment described above must be leased to a tax exempt hospital under a lease that has been executed or taken effect at the time of transfer;
 - 2) the lease must be for a period of one year or longer; and

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- 3) the lease must be to a hospital that has an active tax exemption identification number issued by the Department under Section 13 of the Retailers' Occupation Tax Act (see 86 Ill. Adm. Code 130.2007).
- b) Effective January 1, 1996, equipment, other than that specified in subsection (a), used in the diagnosis, analysis, or treatment of hospital patients that is transferred incident to the sale of service to a hospital, shall be exempt from the Service Use Tax provided that the equipment described above must all be purchased for lease to a tax exempt hospital under a lease that has been executed or is in effect at the time of purchase.
- 2) the lease must be for a period of one year or longer and
- 3) the lease must be to a hospital that has an active tax exemption identification number issued by the Department under Section 13 of the Retailers' Occupation Tax Act (see 86 Ill. Adm. Code 130.2007).
- c) The service customer must provide the certification described below to the service customer:
- 1) When this exemption may be properly claimed for computer or other communications equipment, the service customer must give the communications equipment is for lease to a tax exempt hospital under a lease for a period of one year or longer executed or in effect at the time of the purchase.
- 2) When this exemption may be properly claimed for equipment used in the diagnosis, analysis, or treatment of hospital patients, the service customer must give the certification stating that the lease is for a period of one year or longer executed or in effect at the time of the purchase, and that the equipment is for use in the diagnosis, analysis, or treatment of hospital patients.
- 3) The certification described in subsections (c)(1) and (c)(2) of this Section must also contain all of the following:
- The service customer's name and address;
 - A description of the tangible personal property;
 - The service customer's signature and date of signature;
 - The identification number issued by the Department and
 - The date the lease was executed and the lease period.
- d) For purposes of this Section, "hospital patients" means persons who seek any form of medical care including, but not limited to, medical treatment, testing, diagnosis, or therapy at a hospital or at another location under the control and supervision of a hospital. For example, persons who are sent by doctors for x-rays or other tests at qualifying hospitals, even though those persons are not admitted to those hospitals, are considered hospital patients.

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- 2) If the computers or other equipment is used in a manner that does not qualify for the exemption or is used in any other non-exempt manner, the lessor is liable for the appropriate tax imposed under the Service Use Tax Act. In that event, the amount of Service Use Tax liability incurred is based on the fair market value of the computers or other equipment at the time the non-qualifying use occurred.

(Source: Added at 20 Ill. Reg. 16219, effective
DEC 16 1996)

Section 160.117 Persons Who Lease Tangible Personal Property to Governmental Bodies

- a) Effective January 1, 1996, tangible personal property transferred incident to a sale of service to a lessor who leases that property to a governmental body is not subject to Service Use Tax provided that:
- the property must be leased to a governmental body under a lease that has been executed or is in effect at the time of purchase;
 - the lease must be for a period of one year or longer executed or in effect at the time of the purchase, and containing all of the following:
 - The service customer's name and address;
 - A description of the tangible personal property being purchased;
 - The service customer's signature and date of signature;
 - The name of the governmental body and its tax exemption identification number issued by the Department; and
 - The date the lease was executed and the lease period.
- b) If the property is used in a manner that does not qualify for the exemption or is used in any other non-exempt manner, the lessor is liable for the appropriate tax imposed under the Service Use Tax Act. In that event, the amount of Service Use Tax liability incurred is based on the fair market value of the property at the time the non-qualifying use occurred.

(Source: Added at 20 Ill. Reg. 16219, effective
DEC 16 1996)

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- 1) Heading of the Part: Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 150
- 3) Section Numbers: Adopted Action:
150.331 New Section
150.332 New Section
- 4) Statutory Authority: 35 ILCS 105
- 5) Effective Date of Amendment(s): December 16, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 16, 1996
- 9) Notice of Proposal Published in Illinois Register: July 5, 1996, 20 Ill. Reg. 8649
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version:
 1. In Section 150.331, subsection (a), deleted "and equipment used in the diagnosis, analysis, or treatment of hospital patients."
 2. In subsection (a), changed the comma after "computers" to "and" and deleted "and other equipment".
 3. Added a new subsection (b):

"b) "Effective January 1, 1996, equipment, other than that specified in subsection (a), used in the diagnosis, analysis, or treatment of hospital patients that is purchased by persons who lease that equipment to exempt hospitals is not subject to Use Tax providing:

- 1) the equipment described above must all be purchased for lease to a tax exempt hospital under a lease that has been executed or is in effect at the time of purchase;
- 2) the lease must be for a period of one year or longer; and
- 3) the lease must be to a hospital that has an active tax exemption identification number issued by the Department under Section 14 of the Retailers' Occupation Tax Act (see

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86 Ill. Adm. Code 130.20071."

4. Changed subsection "b)" to subsection "c)".
5. Changed reference in subsection (b)(3) from "(b)(1 and (b)(2)" to "(c)(1) and (c)(2)".
6. Changed subsection "c)" to subsection "d)".
7. Changed subsection "d)" to subsection "e)".
8. In subsection (d), changed references from "are" to "is".
- 12) Have all the changes listed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment(s): This rulemaking is in response to Public Act 89-115 which provides that any tangible personal property purchased for lease to a governmental entity under a lease period of at least one year or longer is exempt from Use Tax. That Public Act also provides a similar exemption for computers and certain types of equipment purchased for lease to an exempt hospital. These proposed rules describe these exemptions and the documentation requirements for claiming the exemptions.
- 16) Information and questions regarding this adopted amendment shall be directed to: Terry D. Charlton
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
217/782-6996

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER 11: DEPARTMENT OF REVENUE

PART 150

USE TAX

SUBPART A: NATURE OF THE TAX

Section
150.101 Description of the Tax
150.102 Use of Basis of Taxation
150.110 How to Compute Taxation
150.115 How to Determine Effective Date
150.120 Effective Date of New Taxes
150.125 Relation of Use Tax to Retailers' Occupation Tax
150.130 Accounting for the Tax
150.135 How to Avoid Paying Tax on Use Tax Collected From the Purchaser

SUBPART B: DEFINITIONS

Section
150.201 General Definitions

SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section
150.301 Cross References
150.305 Effect of Limitation that Purchase Must be at Retail From a Retailer to be Taxable
150.306 Interim Use and Demonstration Exemptions
150.310 Exemptions to Avoid Multi-State Taxation
150.315 Meaning of "Acquired Outside This State"
150.320 Charitable, Religious, Educational and Senior Citizens Recreational Organizations as Buyers
150.325 Governmental Bodies as Buyers
150.330 Persons Who Lease Tangible Personal Property to Exempt Hospitals
150.331 Persons Who Lease Tangible Personal Property to Governmental Bodies
150.332

SUBPART D: COLLECTION OF THE USE TAX FROM USERS BY RETAILERS

Section
150.401 Collection of the Tax by Retailers From Users
150.405 Tax Collection Brackets
150.410 Tax Collection Brackets for a 2-1/4% Rate of Tax (Repealed)
150.415 Tax Collection Brackets for a 2-1/2% Rate of Tax (Repealed)
150.420 Tax Collection Brackets for a 2-3/4% Rate of Tax (Repealed)
150.425 Tax Collection Brackets for a 3% Rate of Tax (Repealed)

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150.430 Tax Collection Brackets for a 3-1/4% Rate of Tax (Repealed)
150.435 Tax Collection Brackets for a 3-1/4% Rate of Tax (Repealed)
150.440 Tax Collection Brackets for a 3-1/2% Rate of Tax (Repealed)
150.445 Tax Collection Brackets for a 3-3/4% Rate of Tax (Repealed)
150.450 Tax Collection Brackets for a 4% Rate of Tax (Repealed)
150.455 Tax Collection Brackets for a 4-1/8% Rate of Tax (Repealed)
150.460 Tax Collection Brackets for a 4-1/4% Rate of Tax (Repealed)
150.465 Tax Collection Brackets for a 4-1/2% Rate of Tax (Repealed)
150.470 Tax Collection Brackets for a 4-3/4% Rate of Tax (Repealed)
150.475 Tax Collection Brackets for a 5% Rate of Tax (Repealed)
150.480 Tax Collection Brackets for a 5-1/4% Rate of Tax (Repealed)
150.485 Tax Collection Brackets for a 5-1/2% Rate of Tax (Repealed)
150.490 Tax Collection Brackets for a 5-3/4% Rate of Tax (Repealed)
150.495 Tax Collection Brackets for a 6% Rate of Tax (Repealed)
150.500 Optional 1% Schedule (Repealed)
150.505 Exact Collection of Tax Required When Practicable
150.510 Prohibition Against Retailer's Representing That He Will Absorb The Tax
150.515 Display of Tax Collection Schedule
150.520 Methods for Calculating Tax on Sales of Items Subject to Differing Tax Rates

SUBPART E: RECEIPT FOR THE TAX

Section
150.601 Requirements

SUBPART F: SPECIAL INFORMATION FOR TAXABLE USERS

Section
150.701 When and Where to File a Return
150.705 Use Tax on Items that are Titled or Registered in Illinois
150.710 Procedure in Claiming Exemption from Use Tax
150.715 Receipt for Tax or Proof of Exemption Must Accompany Application for Title or Registration
150.720 Display Certificates for House Trailers
150.725 Issuance of Title or Registration Where Retailer Fails or Refuses to Remit Tax Collected by Retailer from User
150.730 Direct Payment of Tax by User to Department on Intrastate Purchase Under Certain Circumstances
150.735 Direct Reporting of Use Tax to Department by Registered Retailers

SUBPART G: REGISTRATION OF OUT-OF-STATE RETAILERS

Section
150.801 When Out-of-State Retailers Must Register and Collect Use Tax
150.805 Voluntary Registration by Certain Out-of-State Retailers

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150.810 Incorporation by Reference

SUBPART H: RETAILERS' RETURNS

Section
150.901 When and Where to File
150.905 Deduction for Collecting Tax
150.910 Incorporation by Reference
150.915 Itemization of Receipts from Sales and the Tax Among the Different States from Which Sales are Made into Illinois

SUBPART I: PENALTIES, INTEREST AND PROCEDURES

Section
150.1001 General Information

SUBPART J: TRADED-IN PROPERTY

Section
150.1101 General Information

SUBPART K: INCORPORATION OF ILLINOIS RETAILERS' OCCUPATION TAX REGULATIONS BY REFERENCE

Section
150.1201 General Information

SUBPART L: BOOKS AND RECORDS

Section
150.1301 Users' Records
150.1305 Retailers' Records
150.1310 Use of Signs to Prove Collection of Tax as a Separate Item
150.1315 Consequence of Not Complying with Requirement of Collecting Use Tax Separately From the Selling Price
150.1320 Incorporation by Reference

SUBPART M: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
150.1401 Claims for Credit--Limitations--Procedure
150.1405 Disposition of Credit Memoranda by Holders Thereof
150.1410 Refunds
150.1415 Interest

TABLE A Tax Collection Brackets

AUTHORITY: Implementing the Use Tax Act [35 ILCS 105] and authorized by

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NOTICE OF ADOPTED AMENDMENTS

Section 39b28 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b28].

SOURCE: Adopted August 1, 1955; amended at 4 Ill. Reg. 24, p. 553, effective June 1, 1980; amended at 5 Ill. Reg. 5351, effective April 30, 1981; amended at 5 Ill. Reg. 11072, effective October 6, 1981; codified at 6 Ill. Reg. 926; amended at 8 Ill. Reg. 3704, effective March 12, 1984; amended at 8 Ill. Reg. 926; effective May 11, 1984; amended at 8 Ill. Reg. 8623, effective June 5, 1984; amended at 11 Ill. Reg. 6273, effective March 20, 1987; amended at 14 Ill. Reg. 6835, effective April 15, 1991; amended at 11 Ill. Reg. 14869, effective September 9, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1947, effective February 2, 1993; amended at 18 Ill. Reg. 1584, effective January 11, 1994; amended at 20 Ill. Reg. 7019, effective May 7, 1996; amended at 20 Ill. Reg. ~~16224~~ effective DEC 16 1996.

SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section 150.331 Persons Who Lease Tangible Personal Property to Exempt Hospitals

- a) Effective January 1, 1996, computers and communications equipment utilized for any hospital purpose that are purchased by persons who lease those items to exempt hospitals are not subject to Use Tax providing:
- 1) the computers and communications equipment described above must all be purchased for lease to a tax exempt hospital under a lease that has been executed or is in effect at the time of purchase;
 - 2) the lease must be for a period of one year or longer; and
 - 3) the lease must be to a hospital that has an active tax exemption identification number issued by the Department under Section 13 of the Retailers' Occupation Tax Act (see 86 Ill. Adm. Code 130.2007).
- b) Effective January 1, 1996, equipment, other than that specified in subsection (a), used in the diagnosis, analysis, or treatment of hospital patients that is purchased by persons who lease that equipment to exempt hospitals is not subject to Use Tax providing:
- 1) the equipment described above must all be purchased for lease to a tax exempt hospital under a lease that has been executed or is in effect at the time of purchase;
 - 2) the lease must be for a period of one year or longer; and
 - 3) the lease must be to a hospital that has an active tax exemption identification number issued by the Department under Section 13 of the Retailers' Occupation Tax Act (see 86 Ill. Adm. Code 130.2007).
- c) The purchaser must provide the certification described below to the seller.
- 1) When this exemption may be properly claimed on the purchase of

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computer or other communications equipment, the purchaser must give the seller a certification stating that the computer or other communications equipment is being purchased for lease to a tax exempt hospital under a lease for a period of one year or longer executed or in effect at the time of the purchase.

- 2) When this exemption may be properly claimed on the purchase of computer or other communications equipment or the sale of hospital patients, the purchaser must give the seller a certification stating that the equipment is being purchased for lease to a tax exempt hospital under a lease for a period of one year or longer executed or in effect at the time of the purchase, and that the equipment is for use in the diagnosis, analysis, or treatment of hospital patients.

3) The certification described in subsections (c)(1) and (c)(2) of this Section must also contain all of the following:

- The seller's name and address;
 - The name and address of the purchaser;
 - The description of the tangible personal property being purchased;
 - The purchaser's signature and date of signing;
 - The name and address of the hospital and its tax exemption identification number issued by the Department; and
 - The date the lease was executed and the lease period.
- d) For purposes of this Section, "hospital patients" means persons who seek any form of medical care including, but not limited to, medical treatment, testing, diagnosis, or therapy at a hospital or at another location under the control and supervision of a hospital. For example, persons who are sent by doctors for X-rays or other tests at a hospital, but who are not admitted to the hospital, are not hospital patients. Those hospitals are considered hospital patients.
- e) If computers or other equipment is purchased by a lessor under the provisions of this Section and the computers or other equipment is used in a manner that does not qualify for the exemption or is used in any other non-exempt manner, the lessor is liable for the appropriate tax imposed under the Use Tax Act. In that event, the amount of Use Tax liability incurred is based on the fair market value of the computers or other equipment at the time the non-qualifying use occurred.

(Source: Added at 20 Ill. Reg. 16224, effective DEC 16 1996.)

Section 150.332 Persons Who Lease Tangible Personal Property to Governmental Bodies

- a) Effective January 1, 1996, sales of tangible personal property to a lessor who leases that property to a governmental body are not subject to Use Tax provided that:

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- 1) The tangible personal property must be purchased for lease to a governmental body under a lease that has been executed or is in effect at the time of purchase.

- 2) The lease must be for a period of one year or longer, and the lease must be to a governmental body that has an active tax exemption identification number issued by the Department and is included in the list of the Retailers' Occupation Tax Act (see 86 Ill. Adm. Code 130.20071).

- b) When this exemption may be properly claimed, the purchaser must give the seller a certification stating that the property is being purchased for lease to a governmental body, under a lease of one year or longer executed or in effect at the time of the purchase, and containing all of the following:

- The seller's name and address;
- The purchaser's name and address;
- The description of the tangible personal property being purchased;
- The purchaser's signature and date of signing;
- The name of the governmental body and its tax exemption identification number issued by the Department; and
- The date the lease was executed and the lease period.

- c) If the property is purchased by a lessor under the provisions of this Section and the property is used in a manner that does not qualify for the exemption or is used in any other non-exempt manner, the lessor is liable for the appropriate tax imposed under the Use Tax Act. In that event, the amount of Use Tax liability incurred is based on the fair market value of the property at the time the non-qualifying use occurred.

(Source: Added at 20 Ill. Reg. 16224, effective DEC 16 1996.)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF MODIFICATION

Heading of the Part: Bonding and Insurance Requirements for Surface Coal Mining and Reclamation Operations

Code Citation: 62 Ill. Adm. Code 1800

Register Citation: 20 Ill. Reg. 4224, March 15, 1996

Agency Response to Specific Joint Committee Objection:

The Department has withdrawn the definition of "Generally Accepted Accounting Principles" from this rulemaking.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning interest rate information in the *Illinois Register*:

Name of Act: Uniform Penalty and Interest Act

Citation: 35 ILCS 735/3-1

2. Summary of information:

Section 3-2(a) of the Uniform Penalty and Interest Act provides that interest paid by the Department of Revenue and interest charged to taxpayers by the Department shall be paid at the annual rate determined by the Department. That rate is the underpayment rate established under Section 6621 of the Internal Revenue Code.

Section 3-2(b) of the UPITA states that the interest rate shall be adjusted on a semiannual basis, on January 1 and July 1, based upon the underpayment rate going into effect on that January 1 or July 1 under Section 6621 of the Internal Revenue Code.

Recently, in Revenue Ruling 96-61, the Internal Revenue Service announced that the underpayment rate will be 9% for the period beginning January 1, 1997. Therefore, the interest rate paid by the Illinois Department of Revenue and the interest rate charged to taxpayers by the Illinois Department of Revenue will be 9% from January 1, 1997 through June 30, 1997.

3. Name and address of person to contact concerning this information:

Keith Staats

Associate Chief Counsel (Income Tax)

Legal Services Office

Illinois Department of Revenue

101 W. Jefferson

Springfield, Illinois 62794

Phone: (217) 782-7055

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PUBLICATION ERROR

Heading of the Part: Narrative and Planning Policies

Code Citation: 77 Ill. Adm. Code 1100

Section Numbers:

1100.750
1100.760

Adopted Action:

Amended
New

Date Proposed:

March 15, 1996

Register Citation:

20 Ill. Reg. 4149

Date Adopted:

November 15, 1996

Register Citation:

20 Ill. Reg. 14778

EDITOR'S NOTE: Due to a typographical error in Register materials submitted for publication, the correct effective date for this rulemaking is November 15, 1996, as indicated on the Agency Certificate filed with the Secretary of State.

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PUBLICATION ERROR

Heading of the Part: Processing, Classification Policies and Review Criteria

Code Citation: 77 Ill. Adm. Code 1110

Section Numbers:

1110.1540
1110.2550
1110.2750
1110.2760
1110.2770
1110.2780
1110.2790
1110.2750

Adopted Action:

Amended
Amended
New
New
New
New
New
New

Date Proposed:

March 15, 1996

Register Citation:

20 Ill. Reg. 4141

Date Adopted:

November 15, 1996

Register Citation:

20 Ill. Reg. 14785

EDITOR'S NOTE: Due to a typographical error in Register materials submitted for publication, the correct effective date for this rulemaking is November 15, 1996, as indicated on the Agency Certificate filed with the Secretary of State.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 10, 1996 through December 16, 1996 and have been scheduled for review by the Committee at its January 21, 1997 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
1/24/97	Department of Insurance, Repeal of Extension of Services to Additional Counties (50 Ill Adm Code 5602)	8/23/96 20 Ill Reg 11437	1/21/97
1/26/96	Department of Central Management Services, State of Illinois Medical Care Assistance Plan (80 Ill Adm Code 2120)	9/27/96 20 Ill Reg 12682	1/21/97
1/26/96	Department of Central Management Services, State of Illinois Dependent Care Assistance Plan (80 Ill Adm Code 2110)	9/27/96 20 Ill Reg 12678	1/21/97
1/29/97	Department of Mental Health and Developmental Disabilities, Minimum Standards for Licensure of Community Residential Alternatives (59 Ill Adm Code 113)	10/18/96 20 Ill Reg 13497	1/21/97
1/29/97	Department of Mental Health and Developmental Disabilities, Minimum Standards for Certification of Developmental Training Programs (59 Ill Adm Code 119)	10/18/96 20 Ill Reg 13492	1/21/97
1/29/97	Department of Mental Health and Developmental Disabilities, Treatment and Rehabilitation Services (59 Ill Adm Code 112)	10/18/96 20 Ill Reg 13507	1/21/97
1/29/97	Department of Mental Health and Developmental Disabilities, Standards and Licensure Requirements for Community-Integrated Living	10/18/96 20 Ill Reg 13502	1/21/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
1/29/97	Arrangements (59 Ill Adm Code 115)	1/29/97	
1/29/97	Department of Insurance, Annual Audited Financial Report (50 Ill Adm Code 925)	9/27/96 20 Ill Reg 12687	1/21/97

PROCLAMATIONS

96-637

GENERAL ELECTION CANVASS -
ASCERTAINMENT OF PRESIDENTIAL ELECTORS

STATE OF ILLINOIS)
EXECUTIVE DEPARTMENT)
SS)

WHEREAS, On the 5th day of November, 1996, pursuant to the Statute in such case made and provided, an election was held in the State of Illinois for the purpose of electing on a general ballot, twenty-two (22) Electors of President and Vice President of the United States; and

WHEREAS, In accordance with the Statute aforesaid for the final ascertainment of the result of said election, held as aforesaid, we, the undersigned members of the State Board of Elections, the officers appointed by law to canvass the returns made by the County Clerks of the several counties in the State, of the votes given at said election, on the 25th day of November, 1936, at the office of the State Board of Elections, in the City of Springfield, State of Illinois, proceeded to canvass the returns of the electors aforesaid, being the official abstracts transmitted to the State Board of Elections of this State, of all votes given in each and every county in the State of Illinois, at the election held November 5, 1936, for Electors of the President and Vice President of the United States, and it appears as the result of such canvass that the following persons are the electors of the State of Illinois for President and Vice President of the United States in this State, and the number of votes given for each person is set opposite to his respective name, this is to say:

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES
DEMOCRATIC PARTY

Adde C. Wyatt	received	2,341,744	votes
Donald Pedro	received	2,341,744	votes
Rose Marie Lipinski	received	2,341,744	votes
Neomi Hernandez	received	2,341,744	votes
James Delco	received	2,341,744	votes
Joan Brennan	received	2,341,744	votes
Eileen Jackson	received	2,341,744	votes
James Sheehan	received	2,341,744	votes
William Marovitz	received	2,341,744	votes
Dan Pierce	received	2,341,744	votes
Marge Friedman	received	2,341,744	votes
Tom Jackson	received	2,341,744	votes
Kathryn "Tinker" Harvey	received	2,341,744	votes
Mary Lou Keatts	received	2,341,744	votes
John Brown Hodge	received	2,341,744	votes
John Nelson	received	2,341,744	votes
David Bybee	received	2,341,744	votes
Shirley McComb	received	2,341,744	votes
Joe McLaughlin	received	2,341,744	votes

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES
 REPUBLICAN PARTY

Jerry Sinclair	received	2,341,744	votes
Gary J. LaPaille	received	2,341,744	votes
John P. Daley	received	2,341,744	votes

Edward Murphy	received	1,587,021	votes
Hazel Watson	received	1,587,021	votes
Thomas E. Corcoran	received	1,587,021	votes
William O. Stewart	received	1,587,021	votes
Mark Batista	received	1,587,021	votes
Patrick Durante	received	1,587,021	votes
Richard A. Walsh	received	1,587,021	votes
Robert P. Meallish	received	1,587,021	votes
William J. McQuinn	received	1,587,021	votes
Alfred W. Jordann, Jr.	received	1,587,021	votes
Shirley J. Muling	received	1,587,021	votes
J. C. Pearce	received	1,587,021	votes
Buster Kallong, Jr.	received	1,587,021	votes
Lowell Sickles	received	1,587,021	votes
George Ryan, Jr.	received	1,587,021	votes
Dallas Ingemannson	received	1,587,021	votes
Joseph A. Morris	received	1,587,021	votes
Harold Engelking	received	1,587,021	votes
Ronald C. Smith	received	1,587,021	votes
James J. Brown	received	1,587,021	votes
Jim Batista	received	1,587,021	votes
Ernest W. Brown	received	1,587,021	votes

SELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES
REFORM PARTY

Edmund H. Morel	received	346,408	votes
John Defoe Stauffer	received	346,408	votes
Barthelme Scott Price	received	346,408	votes
James M. Dowell	received	346,408	votes
Dan Kalris	received	346,408	votes
Frank R. Hoover	received	346,408	votes
William H. Marquis	received	346,408	votes
Grace J. Nathan	received	346,408	votes
Daniel A. Counts	received	346,408	votes
Stephen Younaniae	received	346,408	votes
William P. Rakes	received	346,408	votes
John A. Corey	received	346,408	votes
Linda P. Stoecker	received	346,408	votes
Joann Cavettli	received	346,408	votes
Regene A. Hahley	received	346,408	votes
Wolfgang D. Zarko	received	346,408	votes
Steven C. Zarko	received	346,408	votes
Gilbert G. Larson	received	346,408	votes
Frank T. Racicot	received	346,408	votes

George M. Skaritka 346,408 votes
 Frank R. Schnert 346,408 votes
 Patsy A. Campbell 346,408 votes

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES LIBERTARIAN PARTY

Michael Dixon 22,548 votes
 Robert Franke 22,548 votes
 Julia Fox 22,548 votes
 David Fry 22,548 votes
 Michael Ginsberg 22,548 votes
 Steven Givot 22,548 votes
 David Rosenfeldt 22,548 votes
 Madeline Johnston 22,548 votes
 David Johnston 22,548 votes
 Katherine Kelley 22,548 votes
 Maggie Kohls 22,548 votes
 Kati Koenlein 22,548 votes
 Robin Miller 22,548 votes
 F. William Muench 22,548 votes
 Jeannette Muench 22,548 votes
 Ralph Miron 22,548 votes
 David Peerenboom 22,548 votes
 Andrew Spiegl 22,548 votes
 James Solomon 22,548 votes
 Lyn Tinsley 22,548 votes
 Tim Peterson 22,548 votes

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES U.S. TAXPAYERS PARTY

Therese Battaglia 7,606 votes
 Brian Carlisle 7,606 votes
 Kent Carlisle 7,606 votes
 Renata Hayes 7,606 votes
 Audrey Hessler 7,606 votes
 Lori Hessler 7,606 votes
 Chad Kopple 7,606 votes
 Ken Kramer 7,606 votes
 William S. Lane 7,606 votes
 Peter J. Lindstrom 7,606 votes
 Guadalupe Lynch 7,606 votes
 Greg Magnus 7,606 votes
 Greg Morrow 7,606 votes
 Judy Pirely 7,606 votes
 Mary Pirely 7,606 votes
 Peter Ruhl 7,606 votes
 Angela W. Sumbles 7,606 votes
 Nicholas J. Sumbles 7,606 votes

Dave Wade
 Dan Weise
 Jason R. Craddock

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES NATURAL LAW PARTY

Craig G. Campbell 4,606 votes
 Linda Bronstein 4,606 votes
 Charles Winter 4,606 votes
 Joan Bueing 4,606 votes
 William Smith 4,606 votes
 Roger E. Pelkey 4,606 votes
 Dianne Carter 4,606 votes
 Jeffrey D. Tepper 4,606 votes
 Margaret Lindquist 4,606 votes
 Janet T. Kerns 4,606 votes
 Cathy Tepper 4,606 votes
 June Meredith 4,606 votes
 Dennis B. Riker 4,606 votes
 James Susarrey 4,606 votes
 Jeremy Zola Fields 4,606 votes
 Susan J. Dziennik 4,606 votes
 Gary K. Malmgren 4,606 votes
 Katherine A. Mella 4,606 votes
 Peter S. Kimble 4,606 votes
 Kenneth Burnham 4,606 votes
 E. Elisabeth Rose 4,606 votes
 Wesley Lindquist 4,606 votes

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING.

KNOW YE, That on the 5th day of November, 1996, as ascertained by an official canvass made in accordance with the laws of the State of Illinois, a copy of the ascertainment of which canvass is hereto attached and made a part hereof, Electors of President and Vice President of the United States were elected and appointed as follows, to-wit:

Addie C. Wyatt Ruth Jackson
 Donald Pedro Kathryn "Tinker" Harvey
 Rose Marie Lipinski Mary Lou Kearns
 Neomi Hernandez Carolyn Brown Hodge
 James DeLeo John Nelson
 Joan Brennan Dave Bybee
 Eileen Jackson Shirley McCombs
 James Sheehan Joe McGlaughlin
 William Marovitz Jerry Sinclair
 Dan Pierce Gary J. LaPaille
 Marge Friedman John P. Daley

Issued by the Governor November 25, 1996.
 Issued by the Secretary of State November 25, 1996.

96-624

1996 GENERAL ELECTION CANVASS - PRESIDENTIAL ELECTIONS

WHEREAS, On the 5th day of November, 1996, an election was held in the State of Illinois for the election of twenty-two (22) Electors of President and Vice President of the United States;

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the result thereof, did, on this 25th day of November, 1996, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named office:

ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES:

Addie C. Wyatt
 Donald Pedro
 Robert J. Linski
 Neomi Hernandez
 James DeLaio
 Joan Brennan
 Eileen Jackson
 James Sheehan
 William Marovitz
 Dan Pierce
 Marge Friedman
 Ruth Jackson
 Kathryn "Tinker" Harvey
 Robert J. Linski
 Carolyn Brown Dodge
 John Nelson
 Dave Bybee
 Shirley McCombs
 Joe McLaughlin
 Jerry Sinclair
 Gary J. LaFaille
 John P. Daley

NOW, THEREFORE, I, JIM EDGAR, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the office as set out above.

Issued by the Governor November 25, 1996.

Filed by the Secretary of State November 25, 1996.

96-625

1996 GENERAL ELECTION CANVASS - U. S. SENATOR

WHEREAS, On the 5th day of November, 1996, an election was held in the State of Illinois for the election of the following officers, to-wit:

One (1) United States Senator for the full term of six years.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did on this 25th day of November, 1996, canvass the same, and as a result of such canvass, did declare elected the following named person to the following named office:

UNITED STATES SENATOR

Richard J. Durbin

NOW, THEREFORE, I, JIM EDGAR, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing person duly

elected to the office as set out above.

Issued by the Governor November 25, 1996.

Filed by the Secretary of State November 25, 1996.

96-626

1996 GENERAL ELECTION CANVASS

U. S. CONGRESS - STATE SENATORS - REPRESENTATIVES IN THE G. A.

WHEREAS, On the 5th day of November, 1996, an election was held in the State of Illinois for the election of the following officers, to-wit:

Twenty (20) Representatives in Congress, to-wit: One (1) Representative in Congress from each of the twenty (20) Congressional Districts of the State for the full term of two years.

Forty (40) State Senators, to-wit: One (1) State Senator from the 1st, 4th, 7th, 10th, 13th, 16th, 19th, 22nd, 25th, 28th, 31st, 34th, 37th, 40th, 43rd, 46th, 49th, 52nd, 55th and 58th Legislative District for the full term of two years; One (1) State Senator from the 3rd, 6th, 9th, 12th, 15th, 18th, 21st, 24th, 27th, 30th, 33rd, 36th, 39th, 42nd, 45th, 48th, 51st, 54th, and 57th Legislative District of the State for the full term of four years; One (1) State Senator from the 50th Legislative District of the State to fill an unexpired term of two years.

One Hundred Eighteen (118) Representatives in the General Assembly, to-wit: One (1) Representative from each of the one hundred eighteen (118) Representative Districts of the State for the full term of two years.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this 25th day of November, 1996, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices.

REPRESENTATIVES TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS
 IN THE 105TH CONGRESS OF THE UNITED STATES

FIRST CONGRESSIONAL DISTRICT

Bobby L. Rush

SECOND CONGRESSIONAL DISTRICT

Jesse L. Jackson, Jr.

THIRD CONGRESSIONAL DISTRICT

William O. Lipinski

FOURTH CONGRESSIONAL DISTRICT

Luis V. Gutierrez

FIFTH CONGRESSIONAL DISTRICT

Rod R. Blagojevich

SIXTH CONGRESSIONAL DISTRICT

Berry J. Byne

SEVENTH CONGRESSIONAL DISTRICT

Danny K. Davis
 EIGHTH CONGRESSIONAL DISTRICT
 Philip M. Crane
 NINTH CONGRESSIONAL DISTRICT
 Sidney R. Yates
 TENTH CONGRESSIONAL DISTRICT
 John E. Porter
 ELEVENTH CONGRESSIONAL DISTRICT
 Gerald C. "Jerry" Weller
 TWELFTH CONGRESSIONAL DISTRICT
 Jerry F. Costello
 THIRTEENTH CONGRESSIONAL DISTRICT
 Harris W. Fawell
 FOURTEENTH CONGRESSIONAL DISTRICT
 J. Dennis Hastert
 FIFTEENTH CONGRESSIONAL DISTRICT
 Thomas W. Ewing
 SIXTEENTH CONGRESSIONAL DISTRICT
 Donald A. Manzullo
 SEVENTEENTH CONGRESSIONAL DISTRICT
 Lane A. Evans
 EIGHTEENTH CONGRESSIONAL DISTRICT
 Ray LaHood
 NINETEENTH CONGRESSIONAL DISTRICT
 Glenn Poshard
 TWENTIETH CONGRESSIONAL DISTRICT
 John M. Shimkus
 STATE SENATORS TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS
 IN THE 89TH GENERAL ASSEMBLY OF THE STATE
 FIRST LEGISLATIVE DISTRICT
 Jesus G. Garcia
 THIRD LEGISLATIVE DISTRICT
 Margaret Seith
 FOURTH LEGISLATIVE DISTRICT
 Earlean Collins

SIXTH LEGISLATIVE DISTRICT
 John J. Cullerton
 SEVENTH LEGISLATIVE DISTRICT
 Walter W. Dudycz
 NINTH LEGISLATIVE DISTRICT
 Arthur L. Berman
 TENTH LEGISLATIVE DISTRICT
 James A. Defeo
 TWELFTH LEGISLATIVE DISTRICT
 Robert S. Molaro
 THIRTEENTH LEGISLATIVE DISTRICT
 Barack Obama
 FIFTEENTH LEGISLATIVE DISTRICT
 William "Bill" Shaw
 SIXTEENTH LEGISLATIVE DISTRICT
 Donne E. Trotter
 EIGHTEENTH LEGISLATIVE DISTRICT
 Patrick J. O'Malley
 NINETEENTH LEGISLATIVE DISTRICT
 William F. Mahar
 TWENTY-FIRST LEGISLATIVE DISTRICT
 Chris Lauzen
 TWENTY-SECOND LEGISLATIVE DISTRICT
 Thomas J. Walsh
 TWENTY-FOURTH LEGISLATIVE DISTRICT
 Christine Radogno
 TWENTY-FIFTH LEGISLATIVE DISTRICT
 Doris C. Karpel
 TWENTY-SEVENTH LEGISLATIVE DISTRICT
 Peter G. Fitzgerald
 TWENTY-EIGHTH LEGISLATIVE DISTRICT
 Martin J. Butler
 THIRTIETH LEGISLATIVE DISTRICT
 Terry Link
 THIRTY-FIRST LEGISLATIVE DISTRICT

Adeline Jay Geo-Karis

THIRTY-THIRD LEGISLATIVE DISTRICT
Steven J. RauschenbergerTHIRTY-FOURTH LEGISLATIVE DISTRICT
Dave SyversonTHIRTY-SIXTH LEGISLATIVE DISTRICT
Denny JacobsTHIRTY-SEVENTH LEGISLATIVE DISTRICT
Todd SiebenTHIRTY-NINTH LEGISLATIVE DISTRICT
Dan CroninFORTIETH LEGISLATIVE DISTRICT
Debbie DeFrancesco HalvorsonFORTY-SECOND LEGISLATIVE DISTRICT
Edward PetkaFORTY-THIRD LEGISLATIVE DISTRICT
Tom DunnFORTY-FIFTH LEGISLATIVE DISTRICT
Robert A. MadiganFORTY-SIXTH LEGISLATIVE DISTRICT
George P. ShadidFORTY-EIGHTH LEGISLATIVE DISTRICT
Laura Kent DonahueFORTY-NINTH LEGISLATIVE DISTRICT
Vince DemuzioFIFTIETH LEGISLATIVE DISTRICT
Larry K. BonkeFIFTY-FIRST LEGISLATIVE DISTRICT
Penny SevernsFIFTY-SECOND LEGISLATIVE DISTRICT
Stanley B. WeaverFIFTY-FOURTH LEGISLATIVE DISTRICT
William E. O DanielFIFTY-FIFTH LEGISLATIVE DISTRICT
Frank WatsonFIFTY-SEVENTH LEGISLATIVE DISTRICT
James F. Clayborne, Jr. IIFIFTY-EIGHTH LEGISLATIVE DISTRICT
David LuechtefeldREPRESENTATIVES TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS
IN THE 89TH GENERAL ASSEMBLY OF THE STATEFIRST REPRESENTATIVE DISTRICT
Sonia SilvaSECOND REPRESENTATIVE DISTRICT
Edward AcevedoTHIRD REPRESENTATIVE DISTRICT
Miguel A. SantiagoFOURTH REPRESENTATIVE DISTRICT
Edgac LopezFIFTH REPRESENTATIVE DISTRICT
Lovana S. "Lou" JonesSIXTH REPRESENTATIVE DISTRICT
Shirley M. JonesSEVENTH REPRESENTATIVE DISTRICT
Eugene "Gene" MooreEIGHTH REPRESENTATIVE DISTRICT
Calvin L. GilesNINTH REPRESENTATIVE DISTRICT
Arthur L. TurnerTENTH REPRESENTATIVE DISTRICT
Coy PughELEVENTH REPRESENTATIVE DISTRICT
Judy BrwinTWELFTH REPRESENTATIVE DISTRICT
Sara FeigenholtzTHIRTEENTH REPRESENTATIVE DISTRICT
Ralph C. CapparelliFOURTEENTH REPRESENTATIVE DISTRICT
Michael P. McAlliffe

FIFTEENTH REPRESENTATIVE DISTRICT

Joseph M. Lyons
SIXTEENTH REPRESENTATIVE DISTRICT
Louis I. Lang
SEVENTEENTH REPRESENTATIVE DISTRICT
Carol Ronen
EIGHTEENTH REPRESENTATIVE DISTRICT
Janice D. (Jan) Schakowsky
NINETEENTH REPRESENTATIVE DISTRICT
Robert J. Bugielski
TWENTIETH REPRESENTATIVE DISTRICT
Joseph S. Kotlarz, Jr.
TWENTY-FIRST REPRESENTATIVE DISTRICT
Mary E. Flowers
TWENTY-SECOND REPRESENTATIVE DISTRICT
Michael J. Madigan
TWENTY-THIRD REPRESENTATIVE DISTRICT
Daniel J. Burke
TWENTY-FOURTH REPRESENTATIVE DISTRICT
Howard Kenner
TWENTY-FIFTH REPRESENTATIVE DISTRICT
Barbara Flynn Currie
TWENTY-SIXTH REPRESENTATIVE DISTRICT
Charles G. Morrow, III
TWENTY-SEVENTH REPRESENTATIVE DISTRICT
Monique D. Davis
TWENTY-EIGHTH REPRESENTATIVE DISTRICT
Thomas J. Dart
TWENTY-NINTH REPRESENTATIVE DISTRICT
Arline M. Fantin
THIRTIETH REPRESENTATIVE DISTRICT
Harold Murphy
THIRTY-FIRST REPRESENTATIVE DISTRICT
Todd H. Stroger
THIRTY-SECOND REPRESENTATIVE DISTRICT
Constance A. Howard

THIRTY-THIRD REPRESENTATIVE DISTRICT
John A. Fritchey
THIRTY-FOURTH REPRESENTATIVE DISTRICT
Larry McKeon
THIRTY-FIFTH REPRESENTATIVE DISTRICT
M. Maggie Crotty
THIRTY-SIXTH REPRESENTATIVE DISTRICT
James D. "Jim" Brosnahan
THIRTY-SEVENTH REPRESENTATIVE DISTRICT
Kevin A. McCarthy
THIRTY-EIGHTH REPRESENTATIVE DISTRICT
Renee Kosel
THIRTY-NINTH REPRESENTATIVE DISTRICT
Vincent A. Persico
FORTIETH REPRESENTATIVE DISTRICT
Peter Roskam
FORTY-FIRST REPRESENTATIVE DISTRICT
Mary Lou Cowlishaw
FORTY-SECOND REPRESENTATIVE DISTRICT
Suzanne L. Deuchler
FORTY-THIRD REPRESENTATIVE DISTRICT
Jack D. Kubik
FORTY-FOURTH REPRESENTATIVE DISTRICT
James B. Durkin
FORTY-FIFTH REPRESENTATIVE DISTRICT
Kathleen L. "Kay" Wojcik
FORTY-SIXTH REPRESENTATIVE DISTRICT
Lee A. Daniels
FORTY-SEVENTH REPRESENTATIVE DISTRICT
Eileen Lyons
FORTY-EIGHTH REPRESENTATIVE DISTRICT
Anne Zickus
FORTY-NINTH REPRESENTATIVE DISTRICT
Carole Finkau

FIFTIETH REPRESENTATIVE DISTRICT
Thomas L. Johnson

FIFTY-FIRST REPRESENTATIVE DISTRICT
Verna L. Clayton

FIFTY-SECOND REPRESENTATIVE DISTRICT
Mark H. Beaubien, Jr.

FIFTY-THIRD REPRESENTATIVE DISTRICT
Terry Fiske

FIFTY-FOURTH REPRESENTATIVE DISTRICT
Bernard E. Pedersen

FIFTY-FIFTH REPRESENTATIVE DISTRICT
Rosemary Mulligan

FIFTY-SIXTH REPRESENTATIVE DISTRICT
Carolyn H. Krause

FIFTY-SEVENTH REPRESENTATIVE DISTRICT
Elizabeth Coulson

FIFTY-EIGHTH REPRESENTATIVE DISTRICT
Jeffrey M. Schoenberg

FIFTY-NINTH REPRESENTATIVE DISTRICT
Corinne G. Wood

SIXTIETH REPRESENTATIVE DISTRICT
Lauren Beth Gash

SIXTY-FIRST REPRESENTATIVE DISTRICT
Andrea S. Moore

SIXTY-SECOND REPRESENTATIVE DISTRICT
Robert W. Churchill

SIXTY-THIRD REPRESENTATIVE DISTRICT
Ann Hughes

SIXTY-FOURTH REPRESENTATIVE DISTRICT
Cal Skinner, Jr.

SIXTY-FIFTH REPRESENTATIVE DISTRICT
Patricia Reid Lindner

SIXTY-SIXTH REPRESENTATIVE DISTRICT
Douglas L. Boett

SIXTY-SEVENTH REPRESENTATIVE DISTRICT

Douglas P. Scott

SIXTY-EIGHTH REPRESENTATIVE DISTRICT
Ronald A. Wait

SIXTY-NINTH REPRESENTATIVE DISTRICT
Dave Winters

SEVENTIETH REPRESENTATIVE DISTRICT
David Wirsing

SEVENTY-FIRST REPRESENTATIVE DISTRICT
Michael J. Bolland

SEVENTY-SECOND REPRESENTATIVE DISTRICT
Joel Brunsvold

SEVENTY-THIRD REPRESENTATIVE DISTRICT
Gerald L. "Jerry" Mitchell

SEVENTY-FOURTH REPRESENTATIVE DISTRICT
I. Ronald Lawler

SEVENTY-FIFTH REPRESENTATIVE DISTRICT
Mary K. O'Brien

SEVENTY-SIXTH REPRESENTATIVE DISTRICT
Frank J. Mautino

SEVENTY-SEVENTH REPRESENTATIVE DISTRICT
Angelo "Skip" Saviano

SEVENTY-EIGHTH REPRESENTATIVE DISTRICT
Bob Higgins

SEVENTY-NINTH REPRESENTATIVE DISTRICT
Michael Giglio

EIGHTIETH REPRESENTATIVE DISTRICT
George F. Scully, Jr.

EIGHTY-FIRST REPRESENTATIVE DISTRICT
Judy Biggett

EIGHTY-SECOND REPRESENTATIVE DISTRICT
James H. "Jim" Meyer

EIGHTY-THIRD REPRESENTATIVE DISTRICT
Brent Hassett

EIGHTY-FOURTH REPRESENTATIVE DISTRICT
Tom Cross

EIGHTY-FIFTH REPRESENTATIVE DISTRICT
John "Phil" Novak

EIGHTY-SIXTH REPRESENTATIVE DISTRICT
Jack McGuire

EIGHTY-SEVENTH REPRESENTATIVE DISTRICT
Dan Rutherford

EIGHTY-EIGHTH REPRESENTATIVE DISTRICT
Bill Brady

EIGHTY-NINTH REPRESENTATIVE DISTRICT
Jay Ackerman

NINETYTH REPRESENTATIVE DISTRICT
John Turner

NINETY-FIRST REPRESENTATIVE DISTRICT
Michael K. Smith

NINETY-SECOND REPRESENTATIVE DISTRICT
Ricca C. Slone

NINETY-THIRD REPRESENTATIVE DISTRICT
David R. Leitch

NINETY-FOURTH REPRESENTATIVE DISTRICT
Donald L. Moffitt

NINETY-FIFTH REPRESENTATIVE DISTRICT
Richard P. Myers

NINETY-SIXTH REPRESENTATIVE DISTRICT
Art Tenhouse

NINETY-SEVENTH REPRESENTATIVE DISTRICT
Tom Ryder

NINETY-EIGHTH REPRESENTATIVE DISTRICT
Gary Hannig

NINETY-NINTH REPRESENTATIVE DISTRICT
Raymond Poe

ONE HUNDRETH REPRESENTATIVE DISTRICT
Gwen Klingler

ONE HUNDRED AND FIRST REPRESENTATIVE DISTRICT
Julie A. Curry

ONE HUNDRED AND SECOND REPRESENTATIVE DISTRICT
N. Duane Noland

ONE HUNDRED AND THIRD REPRESENTATIVE DISTRICT
Richard J. (Rick) Winkel Jr.

ONE HUNDRED AND FOURTH REPRESENTATIVE DISTRICT
Timothy V. Johnson

ONE HUNDRED AND FIFTH REPRESENTATIVE DISTRICT
William B. "Bill" Black

ONE HUNDRED AND SIXTH REPRESENTATIVE DISTRICT
Michael (Mike) Weaver

ONE HUNDRED AND SEVENTH REPRESENTATIVE DISTRICT
John O. Jones

ONE HUNDRED AND EIGHTH REPRESENTATIVE DISTRICT
Charles A. "Chuck" Hartke

ONE HUNDRED AND NINTH REPRESENTATIVE DISTRICT
Kurt M. Granberg

ONE HUNDRED AND TENTH REPRESENTATIVE DISTRICT
Ron Stephens

ONE HUNDRED AND ELEVENTH REPRESENTATIVE DISTRICT
Steve Davis

ONE HUNDRED AND TWELFTH REPRESENTATIVE DISTRICT
Glenn E. Bradford

ONE HUNDRED AND THIRTEENTH REPRESENTATIVE DISTRICT
Thomas Holbrook

ONE HUNDRED AND FOURTEENTH REPRESENTATIVE DISTRICT
Wyvetter H. Young

ONE HUNDRED AND FIFTEENTH REPRESENTATIVE DISTRICT
Mike Bost

ONE HUNDRED AND SIXTEENTH REPRESENTATIVE DISTRICT
Terry W. Deering

ONE HUNDRED AND SEVENTEENTH REPRESENTATIVE DISTRICT
Larry Woolard

ONE HUNDRED AND EIGHTEENTH REPRESENTATIVE DISTRICT
David O. Phelps

NOW, THEREFORE, I, JIM EDGAR, Governor of the State of Illinois, in

- (To fill the vacancy of the Honorable Carl McCormick)
Anne Marie Burke
- (To fill the vacancy of the Honorable Anthony Scariano)
Leslie Elaine South
- (To fill the vacancy of the Honorable Allan L. Stouder)
Thomas J. Homer
- THIRD JUDICIAL DISTRICT
- (To fill the vacancy of the Honorable Carl A. Lund)
Rita B. Garman
- FOURTH JUDICIAL DISTRICT
- JUDGES OF THE CIRCUIT COURT
COOK COUNTY JUDICIAL CIRCUIT
- (To fill the vacancy of the Honorable Earl Askiss)
Gay-Lloyd Lott
- (To fill the vacancy of the Honorable Martin C. Ashman)
Sebastian Thomas Patti
- (To fill the vacancy of the Honorable Walter B. Bieschke)
Kathleen Marie McGury
- (To fill the vacancy of the Honorable Anthony John Bosco)
James P. O'Malley
- (To fill the vacancy of the Honorable Thomas P. Cawley)
Diane Gordon Cannon
- (To fill the vacancy of the Honorable Harry G. Comerford)
Lynn Marie Egan
- (To fill the vacancy of the Honorable John W. Crilly)
Carol Pearce McCarthy
- (To fill the vacancy of the Honorable Thomas E. Hoffman)
Shelley Lynn Suter-Dermer
- (To fill the vacancy of the Honorable Walter J. Kowalski)
Mary Ellen Coghlan
- (To fill the vacancy of the Honorable Gerald L. Sharboro)
Charles M. Travis
- (To fill the vacancy of the Honorable Jack G. Stein)
Michelle Francene Lowrance
- (To fill the vacancy of the Honorable Mary Jane Wendt Theis)
Evelyn B. Clay

- (To fill the vacancy of the Honorable James A. Zafiratos)
Barbara Ann McDonald
- FIRST SUBCIRCUIT
- (To fill additional judgeship A)
Sharon Johnson Coleman
- (To fill additional judgeship B)
Wilbur E. Crooks
- (To fill additional judgeship C)
Vanessa A. Hopkins
- SECOND SUBCIRCUIT
- (To fill additional judgeship A)
James L. Rhodes
- (To fill additional judgeship B)
Marjorie C. Laws
- THIRD SUBCIRCUIT
- (To fill additional judgeship A)
Daniel P. Darcy
- (To fill additional judgeship B)
David Riley Donnersberger
- (To fill additional judgeship C)
Kenneth J. Wadas
- FOURTH SUBCIRCUIT
- (To fill additional judgeship A)
James J. Gavin
- (To fill additional judgeship B)
James Gerard Riley
- (To fill additional judgeship C)
Mary A. Mulhern
- FIFTH SUBCIRCUIT
- (To fill additional judgeship A)
Jane Louise Stuart
- (To fill additional judgeship B)
Rickey Jones
- (To fill additional judgeship C)
Shelli D. Williams
- SIXTH SUBCIRCUIT

(To fill additional judgeship A)
James J. Jozak

(To fill additional judgeship B)
Edmund Ponce de Leon

SEVENTH SUBCIRCUIT
(To fill additional judgeship A)
Patricia M. Martin

(To fill additional judgeship B)
Cheryl A. Hilliard

EIGHTH SUBCIRCUIT
(To fill additional judgeship A)
Nancy Drew Sheehan

(To fill additional judgeship B)
Candace Jean Fabri

(To fill additional judgeship C)
John J. (Jack) Fleming

NINTH SUBCIRCUIT
(To fill additional judgeship A)
Judith N. Cohn

(To fill additional judgeship B)
Andrew Berman

(To fill additional judgeship C)
Gerald C. Bender

TENTH SUBCIRCUIT
(To fill additional judgeship A)
Gregory Joseph Wojkowski

(To fill additional judgeship B)
Donald Joseph Suriano

ELEVENTH SUBCIRCUIT
(To fill additional judgeship A)
Kathleen G. Kennedy

(To fill additional judgeship B)
Barbara Ann Riley

TWELFTH SUBCIRCUIT
(To fill additional judgeship A)
Donald M. Devlin

(To fill additional judgeship B)

Veronica B. Mathein
THIRTEENTH SUBCIRCUIT
(To fill additional judgeship A)
James T. Ryan

(To fill additional judgeship B)
Edward M. Pietrucha

(To fill additional judgeship C)
Clayton Jay Crane

FOURTEENTH SUBCIRCUIT
(To fill additional judgeship A)
William G. Lacy

(To fill additional judgeship B)
Adrienne M. Geary

(To fill additional judgeship C)
Rodolfo "Rudy" Garcia

FIFTEENTH SUBCIRCUIT
(To fill additional judgeship A)
Frank G. Zelezinski

(To fill additional judgeship B)
David P. Sterba

FIRST JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable William A. Lewis)
Bruce D. Stewart

WILLIAMSON COUNTY
(To fill the vacancy of the Honorable Snyder Howell)
Phillip Palmer

SECOND JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Terrence J. Hopkins)
E. Kyle Ventrone

WAYNE COUNTY
(To fill the vacancy of the Honorable Donald E. Garrison)
Joe Harrison

THIRD JUDICIAL CIRCUIT
MADISON COUNTY
(To fill the vacancy of the Honorable Paul E. Riley)
Larry Keshner

FOURTH JUDICIAL CIRCUIT
CLAY COUNTY

(To fill the vacancy of the Honorable William R. Todd)
Patrick L. Duke

FAYETTE COUNTY
(To fill the vacancy of the Honorable William D. Kelly)
Gene Schwarn

FIFTH JUDICIAL CIRCUIT
(To fill additional judgeship A)
Dale A. Cini

SIXTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Harold L. Jensen)
Arnold F. Blockman

(To fill the vacancy of the Honorable Robert J. Steigmann)
Thomas J. Difanis
Harry E. Clem

(To fill additional judgeship A)
Harry E. Clem

CHAMPAIGN COUNTY
(To fill additional judgeship A)
John R. "Jack" Delamar

SEVENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Richard J. Cadagin)
Bob Eggers

EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY
(To fill the vacancy of the Honorable Robert W. Cook)
Scott Walden

CALHOUN COUNTY
(To fill the vacancy of the Honorable Alfred L. Pezman)
Richard "Dennis" Greenlief

NINTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable William E. Holdridge)
James B. Stewart

WARREN COUNTY
(To fill the vacancy of the Honorable Scott I. Klukos)
Ronald C. Tenold

ELEVENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable William T. Caisley)
G. Michael Frail

(To fill additional judgeship A)
Donald D. Bernardi

TWELFTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Edward F. Masters)
Gerald R. "Jerry" Kinney

WILL COUNTY
(To fill the vacancy of the Honorable Angelo F. Pistilli)
Amy M. Bertani

WILL COUNTY
(To fill the vacancy of the Honorable Patricia A. Schneider)
Stephen D. White

THIRTEENTH JUDICIAL CIRCUIT
BUREAU COUNTY
(To fill the vacancy of the Honorable C. Howard Wampler)
James J. Wimbiscus

FOURTEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Clarence A. Darrow)
Ron Taber

ROCK ISLAND COUNTY
(To fill the vacancy of the Honorable Edward Keefe)
Charles "Casey" Stengel

FIFTEENTH JUDICIAL CIRCUIT
LEE COUNTY
(To fill the vacancy of the Honorable Thomas E. Hornsby)
David T. Fritts

OGLE COUNTY
(To fill the vacancy of the Honorable Dennis Riley)
John B. Roe

SIXTEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Michael F. O'Brien)
F. Keith Brown

(To fill the additional judgeship A)
Timothy Q. Sheldon

(To fill additional judgeship B)
Thomas E. Hogan

SEVENTEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable John W. Nielsen)
Michael R. Morrison

BOONE COUNTY
(To fill the vacancy of the Honorable David A. England)
Gerald F. Grubb

EIGHTEENTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Edward W. Koval)
Kenneth Moy

(To fill the vacancy of the Honorable John J. Nelligan)
Perry R. Thompson

(To fill the vacancy of the Honorable S. Louis Rathje)
Edward R. "Ted" Duncan, Jr.

(To fill the vacancy of the Honorable John S. Teschner)
Hollis "Holly" Webster

(To fill the vacancy of the Honorable Bob Thomas)
Thomas E. Callum

(To fill additional judgeship A)
George J. Bakalis

DUPAGE COUNTY

(To fill the vacancy of the Honorable William E. Black)
Robert J. Anderson

(To fill additional judgeship A)
Jane Drew Waller

(To fill additional judgeship B)
Thomas A. Schermerhorn

MCHEERY COUNTY

(To fill the vacancy of the Honorable Henry L. Cowlin)
Sharon L. Prather

MCHEERY COUNTY

(To fill the vacancy of the Honorable Susan Fayette Hutchinson)
Ward S. Arnold

TWENTIETH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable James K. Donovan)
Clyde L. Kuehn

PERRY COUNTY

(To fill the vacancy of the Honorable Robert N. Gandy)
James W. Campanella

TWENTY-FIRST JUDICIAL CIRCUIT

(To fill additional judgeship A)
Clark Erickson

TIOUQUOIS COUNTY

(To fill the vacancy of the Honorable Robert L. Dannehl)
Gordon L. Lustfeldt

KANKAKEE COUNTY

(To fill the vacancy of the Honorable Patrick M. Burns)
J. Gregory Rosenalter

NOW, THEREFORE, I, JIM EDGAR, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

Issued by the Governor November 25, 1996.

Filed by the Secretary of State November 25, 1996.

96-628

1996 GENERAL ELECTION CANVASS -

JUDGES RETAINED IN OFFICE

WHEREAS, On the 5th day of November, 1996, an election was held in the State of Illinois for the retention of the following judges, to-wit:
Appellate Court Judge from the Fourth Judicial District;

Circuit Court Judges from the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Tenth, Twelfth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, and Cook County Judicial Circuits.

WHEREAS, in pursuance of law, the State Board of Elections appointed to canvass the judges retained in office and the judges of the appellate courts on this the 25th day of November, 1996, canvass the same and as a result of such canvass, did declare retained the following named persons to the following named offices:

RETENTION

JUDGE OF THE APPELLATE COURT
FOURTH JUDICIAL DISTRICT

James A. Knecht

JUDGES OF THE CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

George Oros

Michael J. Henshaw

James R. "Jim" Williamson

Stephen L. Spomer

Paul S. Murphy

SECOND JUDICIAL CIRCUIT

Don A. Foster

Loren R. (Ladd) Lewis

David L. Underwood

THIRD JUDICIAL CIRCUIT

Nicholas G. Byron

Edward C. Ferguson
Phillip J. Kardis

FOURTH JUDICIAL CIRCUIT

Michael R. Weber
Steven Paul Seymour

FIFTH JUDICIAL CIRCUIT

Ashton C. Waller, Jr.
Robert B. Cochenour
Tracy Resch

SIXTH JUDICIAL CIRCUIT

Frank W. Lincoln
John G. Townsend

SEVENTH JUDICIAL CIRCUIT

J. David Bone
Ronald F. Robinson
Thomas E. Kennedy
James W. Dwyer
Sue E. Wystrough
Thomas G. Russell

EIGHTH JUDICIAL CIRCUIT

Fred W. Reither
Robert L. Welch
Dennis K. Cashman
Michael R. Roseberry
Mark A. Schuerling

NINTH JUDICIAL CIRCUIT

Donald C. Courson
Robert J. Cashen
Richard E. Grawey
Scott A. Shore

TENTH JUDICIAL CIRCUIT

Herman S. Haase

ELEVENTH JUDICIAL CIRCUIT

Joseph F. Beatty
Dan A. Dunagan

TWELFTH JUDICIAL CIRCUIT

John W. Rapp, Jr.
William A. Kelly

THIRTEENTH JUDICIAL CIRCUIT

Patrick J. Dixon
Michael J. Colwell
Gene L. Rotolini

John W. Countryman
Douglas R. Engel
Grant S. Wegner

FOURTEENTH JUDICIAL CIRCUIT

Ronald L. Pirrello

FIFTEENTH JUDICIAL CIRCUIT

Michael R. Galasso

SIXTEENTH JUDICIAL CIRCUIT

Bernard E. Drew, Jr.
Fred A. Geiger
Charles F. Scott
Michael J. Sullivan
Stephen E. Walter

SEVENTEENTH JUDICIAL CIRCUIT

Stephen M. Kernan
Dennis J. Jacobsen
Jerome F. Iopnot
Michael J. O'Malley

EIGHTEENTH JUDICIAL CIRCUIT

Harold M. Sullivan
David Cerdas
Anthony S. Montellone
Peter Bakatos

Francis W. Glowacki

Leonard R. Grazian

James J. Heyda

Donald P. O'Connell

Willie Whiting

Frank M. Siracusa

John N. Hourihane

Glynn J. Elliott, Jr.

Robert V. Boharic

Henry A. Budzinski

Thomas E. Flanagan

Michael Jordan

Daniel J. Kelley

Leonard L. Levin

Daniel J. Lynch

William P. Prendergast

Michael P. Toomin

Richard J. Elrod

Michael J. Gallagher

Thomas P. Durkin

Thomas Karnezis

Philip L. Bronstein

Loretta Carol Douglas

James Patrick Flannery, Jr.

Margaret Stanton McBride
Judy I. Mitchell-Davis

NOW, THEREFORE, I, JIM EDGAR, Governor of the State of Illinois, in conformity with statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the office as set out above.

Issued by the Governor November 25, 1996.

Filed by the Secretary of State November 25, 1996.

96-629

1996 GENERAL ELECTION CANVASS - TRUSTEES OF THE
PRAIRIE DUPONT LEVEE AND SANITARY DISTRICT

WHEREAS, on the 5th day of November, 1996, an election was held in the State of Illinois for the election of the following officers to-wit:

Five (5) Trustees of the Prairie Dupont Levee and Sanitary District.

WHEREAS, in pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 25th day of November, 1996 canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named office:

TRUSTEES OF THE PRAIRIE DUPONT LEVEE AND SANITARY DISTRICT

James E. Smith
Michael E. Sullivan
David Walster
Steven Foutch
Lawrence (Jack) Noethen

NOW, THEREFORE, I, JIM EDGAR, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the office as set out above.

Issued by the Governor November 25, 1996.

Filed by the Secretary of State November 25, 1996.

ILLINOIS REGISTER
ADMINISTRATIVE CODE ORDER FORM

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF A CHANGE OF ADDRESS. ALL ORDERS MUST BE PAID IN ADVANCE BY CHECK, MONEY ORDER, VISA OR DISCOVER CARD. CHECKS AND MONEY ORDERS MUST BE PAYABLE TO THE "SECRETARY OF STATE".

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(NAME, PLEASE TYPE OR PRINT)

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(CITY, STATE, ZIP CODE AND TELEPHONE #)

MAIL TO:

GEORGE H. RYAN
SECRETARY OF STATE
INDEX DEPARTMENT
111 E. MONROE
SPRINGFIELD, IL 62756

THE HISTORY OF THE

REIGN OF KING CHARLES THE FIRST

BY JOHN BURNET

IN TWO VOLUMES

LONDON, Printed by J. Sturges, at the Black-Swan in St. Dunstons Church, 1680.

IN TWO VOLUMES

THE SECOND VOLUME

OF THE REIGN OF KING CHARLES THE FIRST

BY JOHN BURNET

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